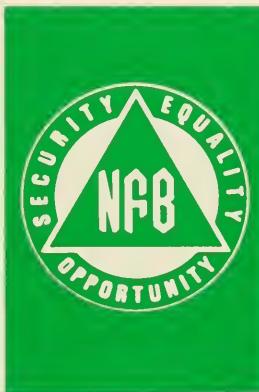


# Braille Monitor

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JULY, 1986

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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# THE BRAILLE MONITOR

PUBLICATION OF THE  
NATIONAL FEDERATION OF THE BLIND

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JULY 1986

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## THE BRAILLE MONITOR

Published monthly in inkprint, Braille, and on talking-book discs by

THE NATIONAL FEDERATION OF THE BLIND

National Office  
1800 Johnson Street  
Baltimore, Maryland 21230

Letters for the President, address changes,  
subscription requests, and orders for NFB literature,  
articles for the *Monitor* and letters to the editor  
should be sent to the National Office.

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*Monitor* subscriptions cost the Federation about twenty-five dollars per year. Members are invited, and non-members are requested, to cover the subscription cost. Donations should be made payable to **National Federation of the Blind** and sent to:

National Federation of the Blind  
1800 Johnson Street  
Baltimore, Maryland 21230

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*ISSN 0006-8829*



## BILL COPPAGE THROWN OUT IN VIRGINIA

We are reliably informed that on Tuesday, April 29, Bill Coppage (Commissioner of the Virginia Department for the Visually Handicapped) was summoned to the Governor's office and told by the Governor's chief of staff that he was being let go. Coppage has headed Virginia's programs for the blind for many years, having seniority over most state directors in the nation. We are informed that he was completely surprised by his dismissal and that his job will terminate June 30 of this year.

Coppage's replacement is to be John McCann, who serves as the President of the American Council of the Blind of Virginia and as Executive Director of the Affiliated Leadership League of and for the Blind (ALL). McCann, a blind lawyer from New York, has been in Virginia for a comparatively short time. He has not been popular with rank and

file blind people in the state and is expected to have a stormy and controversial administration.

It is believed that the American Foundation for the Blind had a hand in Coppage's removal. There have been repeated reports of their belittling comments about him. As to McCann, he is reported to have said that (with a family in the offing) he had to find something better than his position with ALL, which reportedly offers relatively little in the way of salary and even less in the way of security.

The comments we have heard indicate that the blind of the state feel little regret at the departure of Coppage but that they take no joy in the appointment of McCann. Many seem to feel that the change in faces will not alter Virginia's tradition of lackluster state programs for the blind.

## EMPLOYMENT

### THE PIVOTAL ISSUE

by Fred Schroeder

(Fred Schroeder is the President of the National Federation of the Blind of New Mexico. He is also the President of the National Association of Blind Educators. In the Fall/Winter, 1985,

issue of The Blind Educator—the publication of the National Association of Blind Educators—the following article appeared in the column, "From the President.")

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Perhaps the greatest barrier which blind people face today is in the area of employment. For it is in the search for jobs that blind people come face to face with the attitudes of the public about blindness. I am frequently told that there is no discrimination against the blind—that by and large society is sympathetic to the blind and eager to be of help in any way possible, and in many cases this is true. Yet, in many cases those who would keep us down and keep us out are the same ones that proclaim the loudest their belief in the capability of blind people.

In 1983 Paul Flynn, who is a member of the Board of Directors of the National Association of Blind Educators, learned firsthand the true meaning of discrimination. Mr. Flynn had been a successful high school English teacher for more than twenty years when a new principal, Father Xavier fired him from his job proclaiming it "a sacrilege" for a blind person to teach. Nevertheless, Father Xavier claimed that he harbored no prejudice against the blind but simply felt that it was not reasonable for a blind person to teach at the secondary level. He urged Mr. Flynn to pursue elementary school teaching, and since the school Father Xavier ran was a high school that meant seeking a job somewhere else.

A year later we had the case of Gwynne Widhalm. Ms. Widhalm had just completed a degree in elementary education but was told by her university that she would not be allowed to student teach. Her university supervisor, Dr. Divney, explained that a blind person could not possibly supervise young children and therefore recommended that Ms. Widhalm consider high school teaching.

In both bases the discrimination was

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clear and the negative attitudes about blindness undeniable. Yet, Father Xavier and Dr. Divney both claimed that they believed in the ability of the blind to teach as long as they taught somewhere else. This same problem occurs over and over again.

In 1980 Karen Arellano Edwards enrolled as a freshman at New Mexico State University at Las Cruces. At that time she planned to pursue a career in teaching. In high school she had volunteered in a kindergarten class and found the work interesting and enjoyable. Nevertheless, when she went to speak with an advisor in the elementary education department she was told that it was not practical for a blind person to be an elementary school teacher because of the large number of children that would need to be supervised. At that time Mrs. Edwards did not know of the National Federation of the Blind and that there were hundreds of successful blind teachers throughout the country. So Ms. Edwards decided to enter the field of speech pathology. As a speech therapist she would still have an opportunity to work with young children, and since most therapy is conducted individually or with small groups, she reasoned she would not have any problem supervising her clients. Yet, the same pattern of discrimination again emerged. Mrs. Edwards was counseled by department faculty against speech pathology and once again was urged to consider pursuing another field of training. Throughout her experience those with whom she dealt would have become angry had she told them that they did not believe that a blind person can become a competent professional. They would have become angrier still had she told them

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that their actions were discriminatory and reflected stereotypes and misconceptions about blindness. Yet, their treatment of Mrs. Edwards speaks more loudly than their claims of only thinking of what was in her best interest.

The following article describes Karen Edwards' experiences in working toward a degree in speech pathology and describes for us the demoralizing and humiliating effects of discrimination. For discrimination it truly is, and we cannot be deceived by pronouncements of others that they are only thinking of what is best for us.

The blind can teach in elementary school. There are hundreds of blind teachers to prove it. The blind can teach in high schools and in colleges, for there are hundreds of blind teachers to prove that as well. And yes, the blind can be speech pathologists, for there are blind speech pathologists successfully practicing in schools and in clinics throughout the country. The real issue is not can the blind teach or conduct therapy. The issue is can we as an organized blind movement change societal attitudes which represent the real barrier to opportunity.

### BECOMING A SPEECH PATHOLOGIST: MY STRUGGLE WITH THE UNIVERSITY

by Karen Arellano Edwards

(The following article appeared in the Fall/Winter, 1985, issue of The Blind Educator, the publication of the National Association of Blind Educators. It was originally given as an address at the annual convention of the National Federation of the Blind of New Mexico on April 8, 1984.)

Any blind person who wants to go to a university and pursue a certain field of study and who really puts forth a determined effort and gets good grades is bound to succeed. There's no discrimination against blind people—not as long as they're willing to work hard. That's what I believed until about four years ago when I entered New Mexico

State University. I started out wanting to go into elementary education. About a year after I started school I decided that I was interested in the field of speech language pathology. A speech pathologist works with all ages of people ranging from infants to adults in the diagnosis and treatment of various types of speech and language problems. Right now I'm a senior at New Mexico State University. I plan to graduate in May with a degree in Communicative Disorders and from there, to become a speech pathologist, I need to go for a master's degree. Others in my program will go on to get a degree in audiology. In the program that I'm pursuing now we have to have a background in hearing and

in speech and language. In addition to taking course work, a majority of our training is derived from actual clinical experience.

At New Mexico State we have a community speech and hearing center, and the students work as clinicians running the whole program. In the Las Cruces area, we serve a number of clients of all ages. Students team up in pairs, and each student is responsible for two clients per semester. In the program we are required to take two years of clinical practicum. In the beginning when I decided to pursue this field, I was very encouraged. I got a lot of positive feedback from the professors, and I didn't think I would encounter too many difficulties. I knew there would be certain tasks I would have to modify, and I knew I would need assistance in some areas. But I had faith that in the end everything would work out. During my first semester I worked with a client and a student clinician, and everything seemed to be going smoothly. But I was functioning mainly as an observer in the therapy setting in the first semester, which is how you start out. During my first semester I got a pretty good grade, and I was pleased with myself and everything seemed to be going quite well.

Then, I entered my second semester of the practicum experience, and that's when I ran into some trouble. I didn't actually know that there was any trouble until the end of that semester when I received a D-plus for my clinical practicum experience. I consider myself to be a fairly good student. To say the least, I was a bit shocked when I received the grade. I immediately went to my supervisor and inquired about how this had come about, because as far as I

knew I had met all of the expectations. When I met with my supervisor, he informed me of the reasons behind the grade I had received. First of all, he explained that the department felt that a blind person would be a poor model of communication for sighted people. He told me that a large part of the University's emphasis in communication is that of nonverbal communication and, the department felt that a blind person would not be able to adequately evaluate and treat someone in the nonverbal sense. I was criticized for not having good eye contact. I was accused of purposely not maintaining eye contact with the client. They believed that eye contact is a learned behavior and that I was capable of it but was purposely not doing it. At the end of that meeting I felt that I had gotten nowhere. Throughout the meeting my supervisor presented me with a number of situations. "What if you were asked to screen thirty kindergartners? When you do screening of children you are required to do examinations of the mouth and the ears. How are you going to be able to look inside?"

I said, "I would have someone look for me, but I would be able to interpret the information."

He said, "What if no one was around to help you out?"

So this just went on and on, what if...what if. He also said, "We have nothing against you personally, but we feel that a blind person will not be able to be competent in this field, and I would seriously recommend that you consider doing something else."

When I had earlier planned on pursuing a degree in education I had received the same kind of response. I realized that

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no matter what I decided to study, there would always be people telling me that it wasn't possible and to study something else. I thought I would go to the head of the department and see what happened from there. When I went to the head of the department, I received much the same response. It had turned out that the entire faculty had discussed my case and were all in agreement, that a blind person would not be able to function effectively as a speech pathologist.

The next semester of practicum I determined to work really hard. I thought that maybe I did have some shortcomings and if I worked extra hard, my efforts were bound to pay off. As one progresses through the program in speech pathology, there are different levels of student clinicians. The first level is mainly observation, and from there you go up the ladder to levels two and three. Well, that fall I was not promoted to the second level. I decided I would be a good sport about it and keep trying. That semester turned out to be even worse. My supervisor would frequently take me aside and relate instances in the therapy session which "alarmed" her. One time I planned to make puppets in a therapy session, and I took along some preschool plastic scissors. Following the therapy session my supervisor took me aside and said, "I was just panicked to see you using scissors with a preschool child. Don't you realize that this could pose a safety hazard to your client and you should consider not using anything that's sharp or that could possibly cut or injure a child." I felt her concerns were ridiculous. They were plastic scissors, and I was in control of the situation.

It is really hard to put up with that kind of attitude. I learned I had to be a more assertive person through this experience. In the beginning I let them have their own way and did not stick up for myself.

Another time I was working with a preschool aged child, playing on the floor. My supervisor again took me aside following the session and told me that I should not do therapy on the floor since the child's toys would be left around and I would fall down and hurt myself and possibly the client. Another discouraging aspect of my experience was that throughout I have been paired with very domineering clinicians. They usually ran the whole show since I was always at a lower level than my partners. If I made any suggestions, they were not really taken into consideration.

One time we made a video tape of a therapy session. We were playing it for our supervisor, and the supervisor turned to my co-clinician and said, "I really love the way you implemented this idea into the therapy session." It had been my idea, and I was the one doing the therapy. But she assumed the other clinician had come up with the idea.

Another time that I met with the supervisor she discussed with me all of the discouraging aspects of being a speech pathologist. She told me that you would have to spend at least twenty-five hours every weekend trying to catch up, and it would take even longer if you were blind. You would have to take home lots of paperwork. She said I should think seriously whether I should become a speech pathologist.

My grade for the next practicum didn't improve too much. The way we were

graded was a very subjective system. All the clinicians were graded in each area by the amount of supervision they were perceived as needing. Of course, I, as a blind clinician, was always perceived as needing additional supervision, and so I always came out scoring on the low end of the scale because I was said to need maximum supervision. So, again, the following semester I was not promoted to the next clinical level.

This semester I have been involved in conducting hearing evaluations. Part of the process involves looking in the client's ears. I explained to my professor that I planned to have someone look into the client's ear for me, and I would do the interpretation. My professor told me that the competency would not be mine since I was not actually doing the looking and, therefore, I would not get credit on that section of the evaluation. I would have to receive a zero because it would be somebody else's competency and not mine. Also at NMSU we work in the office taking care of phone calls and all of the administrative aspects of running a speech and hearing center. From the very beginning they wanted to pair me with another clinician. They felt that I would be unable to function in the office alone and insisted that I have someone sighted with me at all times. I have told them that I can handle the work alone, but they still insist on pairing me with another clinician.

One time this semester I was working with a five-year-old client of mine, and my supervisor came in to observe. During the therapy session she proceeded to criticize me right there in front of the client. She said, "John, how do you think Karen could have better done

that?"

The client said, "I don't know."

She said, "Wouldn't it help if she would have reinforced you in a different manner?"

He said, "I don't know." (He's only five years old.) It was rather embarrassing to say the least. I was very humiliated to be criticized there in front of my client. It turned out that my co-clinician had planned to use the same technique that I did and therefore was able to correct the way she conducted her therapy session. So all of it fell on me.

Whenever people work together there is going to be some conflict. Time and time again I have been told that my interpersonal skills are lacking because anytime there is a conflict, I am perceived to be the root and cause of it. So, I have felt there has been a lot of bad treatment, and I have learned what it means to be the victim of discrimination. One day I was tempted to walk into the registrar's office and withdraw from the university. This was at the point where I had a year yet to go, and I thought I just don't have the strength to continue with this. It's too much mental anguish.

But I said to myself I am a member of the National Federation of the Blind, and there are thousands of blind people across the country facing discrimination, and they would not quit, because if they did, progress would never be made. No one would ever succeed at being a classroom teacher or an engineer or a lawyer if they gave up. It is only through persistence that success is possible. I have wanted to be a speech language pathologist for a long time. I have worked hard through college, and I

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am not about to give up just because four staff members do not believe a blind person can function as a speech/language pathologist. I have tried in my dealings with them to promote the Federation's philosophy of blindness—that blindness is not a tragedy. It's an inconvenience that can be overcome. Although the battle is not over yet, I know that I am going to make it through, because I have got the support of the National Federation of the Blind. I really thank all of you, because I know that anytime I need support that you will be there and that has meant so

much to me. The National Federation of the Blind has given me the belief in myself to carry the fight and to stand firm for myself and for what I believe. It has shown me that the real problem of blindness is not developing alternative techniques but convincing ourselves and society that the blind can compete on a basis of equality. I do not know what career I will eventually end up in, but I have learned that through the National Federation of the Blind many doors have been open and all doors yet closed can be opened.

### RANDOLPH-SHEPPARD IN JEOPARDY

#### WYOMING SAYS "NO" TO BLIND VENDORS

Until recently there has been in each state and the District of Columbia a program for blind vendors operated under the federal Randolph-Sheppard Act. That is not the case anymore. At least for now, the state of Wyoming is out of the program altogether. What's more, it was not a casual decision.

The Rehabilitation Services Administration is the federal agency responsible for designating a licensing agency for blind vendors in each state. No state is required by federal law to participate in the Randolph-Sheppard program. However, if a state wants to participate in the program, a specific state agency must be designated to license the vendors and to supervise the program. Failure to choose an agency

means no Randolph-Sheppard program for blind persons within that state. This is now the situation in Wyoming, but it could happen anywhere.

Wyoming does not have a separate state agency for the blind responsible for vocational rehabilitation. So the general rehabilitation agency (serving the blind and all other disability groups combined) has always been designated as the state licensing agency for the Randolph-Sheppard program. It must be emphasized and well understood that in this respect Wyoming is far from unique. Almost half of the state licensing agencies in the Randolph-Sheppard program are administered by general vocational rehabilitation agencies.

At one time Wyoming (considering the population of the state) had a blind vendor program of fairly respectable size. Observers say that the program began to deteriorate about ten years ago (in the mid-1970's) shortly after a new state director of vocational rehabilitation (the current director) was hired. In more recent times Wyoming has not had even one blind vendor—at least, not on federal property. In fact, for a year and a half preceding the demise of Wyoming's state licensing agency, there was only one vendor conducting business on federal property within the state. He had a disability, but he was not blind.

State officials said that there were no blind people interested in operating vending facilities in Wyoming. That was nonsense. Melanie Rudell (the state President of the National Federation of the Blind of Wyoming) was both interested and capable. After several months of negotiating with the state agency, she finally won the opportunity to be trained and licensed to operate a vending facility. It may be a coincidence (or it may not) that Melanie's training ended just as state officials were pulling the plug on the blind vendor program. Their action did not stop us from assuring Melanie that she would have a job as a blind vendor, whether or not there was a state licensing agency. Shortly after the 1985 national convention (where GSA representatives participated) we negotiated an agreement that Melanie Rudell would be granted space and equipment for a small cafeteria located in the federal building in Casper. She is operating this business very successfully. She is also the only blind vendor in the United States who

does not have a state licensing agency to work with.

Here is the actual story of the demise of Wyoming's blind vendor program as it occurred through correspondence between federal and state officials. It is clear that the motives and reasoning involved in the collapse of the program could just as well appear in any other state in this country. For this reason we reprint the significant correspondence and ask everyone to consider the implications. Now that Wyoming has broken the ranks, will any other states attempt to follow? And how long will it be until a substantial majority of blind vendors in this country recognize that combining with the rest of us in the National Federation of the Blind for collective action makes good sense and is a matter of enlightened self-interest? Can a group of blind vendors on its own ever hope to stimulate growth in the program, let alone expect to preserve it? And at what point will the majority of blind vendors come to realize that their very survival depends upon maintaining a common bond with the great body of blind people who are organized and ready to act? Isn't it significant that Melanie Rudell (a staunch Federationist and a leader of the National Federation of the Blind in her state) still survives as the only blind vendor now operating under a private agreement specifically negotiated with the General Services Administration upon the request of the National Federation of the Blind? And if you think that Wyoming's withdrawal from the Randolph-Sheppard program could not occur elsewhere, if you think that the federal government through its Rehabilitation Services Administration would not

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let it happen, the correspondence between Wyoming's Governor and George Conn (the federal Commissioner of Rehabilitation Services) will not be comforting. Why did George Conn wait until the day before the final demise of the Wyoming program to send his letter to the Governor? Why did it take Mr. Conn more than five months to respond to the Governor's letter of withdrawal? Is the federal government's lead agency for the Randolph-Sheppard program really committed to blind vendors? These are but a few of the questions which should be considered when reading the following correspondence:

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State of Wyoming  
Department of Health  
and Social Services  
Division of Vocational  
Rehabilitation  
February 28, 1985

Mr. James Ballantyne  
Commissioner  
Regional Office for  
Vocational Rehabilitation  
Denver, Colorado

Dear Mr. Ballantyne:

I am in receipt of your letter of February 19, 1985, requesting certain materials relative to designation as a state licensing agency for the Randolph-Sheppard program. As you are aware, the Wyoming agency has had serious reservations regarding this program for some time. I am also aware of some of the concerns of yourself and your staff regarding the Randolph-Sheppard program. In light of the foregoing it would seem

appropriate for both parties to sit down and formally discuss the situation. Taking part in the discussion will be Ms. Kathy Karpan, the recently appointed Director of the Department of Health and Social Services. Ms. Karpan shares our concerns.

I would offer to host such a meeting in the Central Office of the Agency here in Cheyenne due to the proximity of program staff and data. If necessary and after obtaining the requisite out-of-state travel consent from the Office of the Governor, a meeting could be arranged in your office in Denver.

I await your reply to this proposal.

Sincerely,  
Robert W. Dingwall, Ed.D.  
Administrator

cc: Kathleen Karpan, Director  
Department of Health and Social Services

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Rehabilitation  
Services Administration  
Region VIII  
Denver, Colorado  
March 6, 1985

Dear Mr. Dingwall:

This is in response to your letter of February 28, 1985, requesting a meeting with Regional Office representatives to discuss Wyoming's reservations regarding the Randolph-Sheppard program.

Since an RSA Central Office representative from the Bureau of the Blind and Visually Handicapped will be involved in this meeting, either in person or by teleconference, we are requesting that you plan to attend a meeting in the

Regional Office. We are offering you a choice of dates from which to select the most suitable. We will proceed with the necessary arrangements when we receive your confirmation.

March 25 or 27; April 3, 4, or 5; May 8, 9, or 10.

Please feel free to schedule a morning or afternoon time, and we look forward to hearing from you.

Sincerely,  
James Ballantyne  
Regional Commissioner

cc: Ms. Kathleen M. Karpan

---

State of Wyoming  
Office of the Governor  
April 16, 1985

Commissioner George Conn  
Rehabilitation Services  
Administration  
Washington, D.C.

Dear Commissioner Conn:

As reflected in the enclosed correspondence, the Wyoming Division of Vocational Rehabilitation has decided to withdraw its application for designation as the state licensing agency for the Randolph-Sheppard program as of July 1, 1985.

I am in support of this decision given the Agency's strong commitment to continue serving the blind individuals in Wyoming through the general vocational rehabilitation program. Furthermore, I do not anticipate that withdrawal from the program will negatively affect the blind. This conclusion is based on the

small size of the Randolph-Sheppard program in Wyoming and the limited number of blind people benefiting from the program as clients in recent years.

I have asked Dr. Robert Dingwall, the Division of Vocational Rehabilitation Administrator, to assist this office in seeking another state agency interested in applying for designation as the Randolph-Sheppard program state licensing agency. I anticipate this process will be completed on July 1, 1985.

Thank you for your attention to this matter. If you or your staff have any additional questions or concerns, Dr. Dingwall is available to respond to them at 307-777-7385.

Sincerely,  
Ed Herschler, Governor

cc: Robert W. Dingwall, Ed.D.

---

State of Wyoming  
Department of Health and  
Social Services  
Division of Vocational  
Rehabilitation  
April 15, 1985

Dear Commissioner Conn:

After careful consideration the Wyoming Division of Vocational Rehabilitation has decided to withdraw its application for designation as the state licensing agency for the Randolph-Sheppard program. This decision is based on the lack of appropriate federal sites, and the notable lack of interest of the small blind population in the state in the vending facilities program. The commitment of this agency to service

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the blind through the general program remains strong.

Discussions with Mr. Ray Melhoff of your office and Mr. James Ballantyne, Region VIII Commissioner in Denver on April 15, 1985, resulted in their agreement with this decision. Mr. Melhoff and Mr. Ballantyne assured the Wyoming agency that insofar as their offices were concerned, no punitive actions of any kind would be taken. They further assured the agency that it would have the option of applying for designation as the state licensing agency in the future.

The agency has notified Governor Herschler of this decision and requested that the Governor's office canvas for other agencies interested in being nominated as the licensing agency for the Randolph-Sheppard program.

The formal termination date of Wyoming Vocational Rehabilitation's responsibilities is July 1, 1985, as agreed to with Mr. Melhoff and Mr. Ballantyne.

Thank you for your cooperation in this matter.

Sincerely,  
Robert W. Dingwall, Ed.D.  
Administrator

cc: Kathy M. Karpan

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State of Wyoming  
Department of Health and  
Social Services  
Division of Vocational  
Rehabilitation  
July 25, 1985

Dear Mr. Ballantyne:

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Please be advised that the Wyoming Division of Vocational Rehabilitation has canvassed state agencies regarding interest in applying for designation as the agency to operate the Randolph-Sheppard program. We have met with no success in locating such an agency. Therefore, I am advising you that our termination will take place as of September 30, 1985.

Attached you will find an inventory of equipment purchased under the Randolph-Sheppard program, and in addition, an accounting of funds currently held by this agency that were collected under this program. I would appreciate advice from you as to the disposition of this equipment and these funds. If additional funds are collected, those will be accounted for and included at the time of disposition.

Regarding an extension beyond October 1st, I regret that you misunderstood comments that I made regarding an extension to affect a transition should there be an agency that wished to apply. The only exception to our extension from July 1 to October 1 was in the event an agency could not complete the application and transition process prior to that date. In no case would I extend the deadline in order to seek another agency should none be interested prior to the October 1st deadline.

I believe the Wyoming agency is operating in the best interest of the agency, the state, and our clientele, and has carried out its obligation with integrity and consideration. Should you have any questions regarding this matter, I will be most happy to discuss them with you or the Office of Visual Services in Washington.

I would appreciate the requested ad-

vice regarding the liquidation of the equipment and funds at your earliest convenience.

Sincerely,  
Robert W. Dingwall, Ed.D.  
Administrator

cc: Kathy Karpan  
Governor Herschler

asking you to reconsider your support of WDVR to withdraw as SLA or to take the necessary action to designate another state agency as SLA for the state of Wyoming.

We look forward to hearing from you soon with any recommendations you may have to retain this important program for the blind in Wyoming. If we can be of any assistance or offer consultation, please do not hesitate calling me.

Rehabilitation Services  
Administration  
Washington, D.C.  
September 30, 1985

Sincerely,  
George A. Conn  
Commissioner

Dear Governor Herschler:

I am writing this letter to express my concerns regarding the intentions of Wyoming's Division of Vocational Rehabilitation (WDVR) to withdraw as the State Licensing Agency (SLA) for the vending facility program authorized by the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

The Randolph-Sheppard Act does not give the Department of Education the authority to legally compel the WDVR to continue as the SLA to administer this program. However, as the federal agency charged by Congress with the responsibility for carrying out the requirements for the Randolph-Sheppard Act, the Department of Education has an interest in encouraging all states to offer this specialized employment program to their blind residents. The priority for the blind on federal property, the essence of the Act, is dependent on the existence of SLA approval and designation by the Secretary (20 U.S.C. 107 (b)).

We are therefore, Governor Herschler,

State of Wyoming  
Office of the Governor  
November 22, 1985

Dear Commissioner Conn:

I have received your letter of September 30, 1985, in which you request that I reconsider my support of the Wyoming Division of Vocational Rehabilitation (WDVR) to withdraw as the State Licensing Agency (SLA) for the vending facility program authorized by the Randolph-Sheppard Act. I understand that you consider this to be an important program for the blind in Wyoming. However, for the reasons expressed in this letter, I will not reconsider my decision on this matter.

First, you should understand that I personally believe the Randolph-Sheppard Act is an archaic law which does not seriously advance career opportunities for the blind in today's world. I perceive it to derive from a paternalistic sentiment of the 1930's when the public generally understood a "suitable" career

for the blind to be selling apples on the street and the lobbies of federal buildings. Frankly, I seriously question whether this sentiment should be advanced. Furthermore, I believe this is reflected in our difficulties in locating a blind individual who wants to participate in your vending facility program in Wyoming.

Second, you should realize that states across the nation are evaluating and redefining state priorities, given reduced federal funding and severe fiscal restraints at the state level. We cannot afford to continue "business as usual," and run every program the feds want us to run. We have programs which we believe better advance all career opportunities for disabled persons, including the blind. I believe (as a matter of sound fiscal choice) we can better run the programs our legislature enacts and finances, rather than pro-

grams which, at some time in history, Congress fancies.

Finally, you should know that we have only one federal building in Wyoming which has a vending facility located therein. This fact (coupled with our difficulty in locating, training, and retaining blind people at this facility) makes this program more trouble than it is worth. This sentiment is shared not only by my office and WDVR but by the Wyoming Department of Education, which is the only other agency capable of assuming the SLA function.

I hope you understand my position on this issue. Please feel free to contact my office again if you should have any questions or concerns.

Yours sincerely,  
Ed Herschler, Governor

cc: Ms. Kathy Karpan

## RANDOLPH-SHEPPARD PROGRAM FACES DESTRUCTION

### MONTANA JOINS WYOMING

When reported earlier in this issue of the Monitor that Wyoming had withdrawn from the vending program, we said that it could happen in other states, but we did not realize that at the very time we were writing it was happening. Montana has now joined Wyoming, and June 30, 1986, marks the end of the vending program in that state.

In many ways the Montana disaster is far worse than the one in Wyoming. In

Wyoming there was only one vendor on federal property, and we were able to save her job by negotiating an agreement with the General Services Administration. In Montana there are quite a number of vendors on federal property, and their businesses will close. We have discussed the matter with GSA officials, and they are reluctant to terminate the Randolph-Sheppard vending locations in Montana. However, they point

out that the situation is different from the one they faced in Wyoming, where there was only one blind vendor. They say that they are simply not in a position to handle all of the details and responsibilities of a full-fledged state licensing agency—inventorying equipment, training operators, etc. This makes sense, but it does nothing to diminish the threat to the Randolph-Sheppard program.

The program has now been discontinued in two states, and it is not difficult to predict that others will attempt to follow. It is late for the vendors of the nation to mobilize and join the National Federation of the Blind for collective action. Moreover, because there was not earlier mobilization, the alternatives that are now available are not very good.

If we go to the appropriate committees in Congress and ask them to amend the Randolph-Sheppard Act to require states to have vending programs, it is not difficult to guess what the tradeoff will be. Other groups of the disabled have been trying for a long time to get a piece of the action in the Randolph-Sheppard program, and they are far more numerous than the blind. If the Randolph-Sheppard Act is opened for amendment, other disability groups are almost certain to be included, and the blind will be submerged. In short, the Randolph-Sheppard vending program as we have known it will be at an end. On the other hand, if we leave matters as they are and try to fight the battle state by state, there is every likelihood that we will lose step by step by erosion.

Under the circumstances we have taken the following action: On April 18, 1986, we requested the Subcommittee on the

Handicapped of the Senate Committee on Labor and Human Resources to amend the Rehabilitation Act (observe that it is not the Randolph-Sheppard Act to require that the designated state rehabilitation agency for the blind in each state must serve as the licensing agency for blind vendors. If a state violates this requirement, it would lose all of its federal rehabilitation funding. In other words the state would be required to have a Randolph-Sheppard program. Since portions of the Rehabilitation Act expire this year and the remainder next year, this is an appropriate way to handle the problem as part of the overall consideration of the reauthorization of the Rehabilitation Act.

As a footnote to this sorry mess in the vending program, we must take notice of Montana's claim that one of its reasons for closing the vending stand program is the "cutback in funding." For the past several years the rehabilitation agencies have excused every shortcoming and failure on the grounds of "Reagan budget cuts." To put it bluntly, this is simply not the truth. There has not been one single year in which the Rehabilitation budget has not been increased. Furthermore, the increases have often exceeded the rise in inflation. Here are the figures for the federal rehabilitation appropriations for basic grants to states for recent years: Fiscal 1982 \$863,000,000; Fiscal 1983 \$943,900,000; Fiscal 1984 \$1,037,800,000; Fiscal 1985 \$1,100,000,000; Fiscal 1986 \$1,190,000,000; after Gramm-Rudman cuts for Fiscal 1986 \$1,144,653,839.

It may be too late to save the Randolph-Sheppard program, but we must try. Surely it is not necessary to add

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that the vendors themselves must try—not just those who have joined the National Federation of the Blind and helped fight the battles through the years but all vendors. Letters and other contacts should be made with members of Congress to urge that the position taken by the National Federation of the Blind be supported. It cannot be stressed too strongly that the effort must be coordinated, not just handled individually and haphazardly. Action is needed—decisively, intelligently, and now!

Here is the relevant correspondence concerning the closing of the Randolph-Sheppard program in Montana. It should be read (indeed, studied) thoughtfully and with care. Those who cannot understand the significance of these letters can probably not be moved by anything short of the banging of the poorhouse door:

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Helena, Montana  
March 31, 1986

Chester Avery, Director  
Division for the Blind and  
Visually Impaired  
Rehabilitation Services  
Administration  
Office of Special Education  
and Rehabilitation  
Washington, D.C.

Dear Sir:

This Department has determined that the vending stand program for blind vendors must be curtailed in Montana due to the current cutback of funding; contract compliance issues with vendors;

excessive costs associated with complying with fire, safety, and health standards; and lack of future accredited training. On March 20, 1986, a meeting of the Rehabilitative Services/Visual Services Advisory Councils was held in Helena, at which the vending stand operators were present. After exploring all alternatives the Advisory Council concurred in the decision to begin curtailing the Vending Stand Program.

Please be advised that immediately we will be returning the administration of the vending stand operations in Federal Buildings located in Billings, Bozeman, Missoula and Helena to the control of the Federal Government. Effective June 30, 1986 our administration of the Vending Stands located in Federal Buildings will terminate.

The vendor in the Helena Federal Building has resigned and that stand will be vacated on May 6, 1986. Dispersal of existing equipment will be coordinated locally through the General Services Administration and the vending stand management contractor, Helena Enterprises.

We will also be curtailing the vending stand state program. As vacancies occur our administration of the stands will terminate.

You will be furnished individual accountings of inventories, equipment and operations contribution shares of the set aside fund for the Federal installations by July 15, 1986 in order to enhance an orderly transfer.

Sincerely,  
William A. Vollmer  
Acting Administrator  
Visual Services Division  
Department of Social and

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Rehabilitation Services

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Helena, Montana  
March 31, 1986

J. J. Jaynes, Director  
Building Management Division  
General Services Administration  
Denver, Colorado

Dear Mr. Jaynes:

On March 20, 1986, a Rehabilitation Services/Visual Services Advisory Council meeting was held in Helena at which the Vending Stand Operators were present. At that meeting an informational presentation was made outlining: the current cutback of funding; contract compliance issues with vendors; costs associated with complying with fire, safety, and health standards; and lack of future accredited training. After exploring all the alternatives the Advisory Council concurred in the decision to begin curtailing the Vending Stand Program.

Please be advised that effective June 30, 1986 our administration of the vending stands located in Federal Buildings will terminated. However, we would hope that you would continue to give preference to the current operators of the vending stands in your facility.

You no doubt are aware that the current operator in the Helena Federal Building stand has given us notice that he will be vacating effective May 6, 1986. Accordingly, a representative from Helena Industries, our Management Contractor, will be contacting Bob Sanders to arrange a time to sort the inventory and equipment.

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We have advised the Randolph-Sheppard officials in Washington, D.C., of the June 30, 1986 date.

We do not have a trained vending stand operator to move into the Helena Federal Building. You may wish to consider having the stand operated by Helena Industries through June 30, 1986. Also you may want to initiate advertising to find a replacement operator that would assume operation on May 7, 1986 to preclude any interruption of food service to the Helena Federal Building occupants.

Please feel free to contact Margaret Bullock of this office (444-3434) or Dawn DeWolf, Helena Industries (442-8632) regarding the above action.

Sincerely,  
William A. Vollmer  
Acting Administrator  
Visual Services Division  
Department of Social and  
Rehabilitation Services

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Helena, Montana  
March 31, 1986

Mike Bullock, President  
Helena Industries  
Helena, Montana

Dear Mike:

In accordance with Section 27 of contract #86-102-0018 I am notifying you that effective July 1, 1986, the Department of Social and Rehabilitation Services is terminating this contract. This action is based on the advice of its two vocational rehabilitation advisory councils and the independent living

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council because of the necessity to prioritize programs in this era of budget constraints.

William A. Vollmer  
Acting Administrator  
Department of Social and  
Rehabilitation Services

Sincerely,

### DEVELOPMENTS IN THE VENDING PROGRAM IN COLORADO

by Kenneth Jernigan

For at least the last quarter of a century a number of the state rehabilitation agencies have had the nasty little habit of wanting to "split" profitable vending facilities. It works like this: If a particular vending location begins to be quite profitable (perhaps \$25,000 or \$30,000 a year or more—whatever arbitrary figure the agency chooses), the agency tries to divide it by putting in a second operator, each to get half of the profit. If that doesn't reduce the income sufficiently, a third operator may be brought in. It must be emphasized that the federal rehabilitation officials have no guideline or policy suggesting this practice, but it must also be emphasized that they do not discourage it. It is entirely a matter of whom with each state agency and with whatever federal rehabilitation official may be talking with you at the moment. Sometimes the federal officials take a hands-off attitude, and sometimes they covertly encourage the practice.

I remember arguing about the matter

with the head of the division for the blind in the Federal Rehabilitation Administration when I first became director of the Iowa Commission for the Blind in the late 1950's. He said that it wasn't fair for one blind person to make \$40,000 or \$50,000 a year when there were many other blind people who had no jobs at all. He said that a person could live quite comfortably on \$10,000 to \$15,000 a year and that the entire program would be jeopardized if we permitted individual operators to make salaries higher than some of the state and federal employees in the buildings where the vending facilities were located.

I told him I thought blind people should have the same rewards for initiative and hard work as the sighted. I then suggested that if he believed blind persons with good incomes should split their earnings to share with the unemployed, perhaps he should begin by setting the example. "After all," I pointed out, "you make a pretty good salary, and you are blind. Let's begin

with you." Somehow he didn't seem to think the situations were comparable.

The National Federation of the Blind has always fought the idea of "splitting" vending facilities in order to reduce the incloe of operators. We have argued that program officials should spend their time and energy doing something else—like finding other new and profitable locations so that "splitting" would not be an issue. We have always felt that legislators and others will not resent the fact that blind persons are making a good living if the rehabilitation officials do not act defensive about it and plant the idea. Indeed, the fact that blind persons are earning their way and supporting themselves will be greeted with enthusiasm and pride if it is properly presented.

Recently the Colorado rehabilitation agency attempted the splitting game, and as usual, the Federation opposed it. A vacancy occurred at the Terminal Annex of the U.S. Postal Service in Denver, and the agency proposed to divide it and give it to two operators, thus reducing the potential income of each. The Federation helped resist this maneuver, and in so doing, we made history. We took the matter to federal court, secured an injunction against the agency, and established the principle that blind vendors and the Committee of Blind Vendors have "standing" to sue in such cases. If the vending program is to be saved, the vendors and the Federation working together must do it. No one else either can or will. It must be emphasized that the Colorado "splitting" caper is, by no means, settled. As the documentation will show, we are only at the beginning, and a long road stretches ahead. There will have to be an admin-

istrative appeal, and then possibly arbitration and further court action. But we have surmounted the first hurdle. At least for the present, our injunction has blocked the "splitting" and assured the blind vendors of their appeal rights. Here are the pertinent letters and the Judge's order:

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National Federation of the Blind  
of Colorado  
Denver, Colorado  
8 April 1986

Stanley N. Boxer  
Program Manager  
Department of Social Services  
Business Enterprise Program  
Division of Rehabilitation  
Services for the Blind  
Denver, Colorado

Dear Mr. Boxer:

Your letter dated 3 April 1986 states that it is the intent of the State Licensing Agency to split the vending facility located at the Terminal Annex. This facility has, for the past six years, been operated by one blind vendor. My position in the Business Enterprise Program makes it clear that if I bid on this facility, which I intend to do, I will be in line to receive it. Your action significantly damages the vending opportunity in this location.

By this letter, I am beginning the prescribed procedures of Appeal regarding the actions of the State Licensing Agency, and demand that this facility be places for bid as a single operator location. I further demand that this vending facility not be bid as a split

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JULY 1986

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location prior to the time that I have had the opportunity to grieve this action through the Administrative Review Process and the Federal arbitration available to me under the Randolph-Sheppard Act.

Very truly yours,  
Richard Jack

Yours very truly,  
Stanley N. Boxer  
Program Manager  
Department of Social Services  
Business Enterprise Program  
Division of Rehabilitation  
Services for the Blind  
Devner, Colorado

Denver, Colorado  
April 14, 1986

Dear Richard:

I am in receipt of your letter dated April 8, 1986.

As you are aware, it is the decision of the State Licensing Agency to give opportunity to more blind individuals by making the Terminal Annex two locations. This is a definite determination which we do not intend to change. In accordance with the rules and regulations, No. 9.209.1, this decision does not affect your status as an Operator and is not subject to appeal.

As of this writing, these locations have not been officially announced for bid. When they are announced for bid, we will follow the usual procedure in the awarding of these locations; and, of course, you are welcome to bid on either one of them. Not until all bids are received and a determination has been made regarding who the successful bidders are can I comment as to whether it will be you or another Operator in the Business Enterprise Program. If you should be the successful bidder of one of these locations, it would, by all indications, afford an increased economic opportunity for you.

**In The United States District Court  
For The District Of Colorado**

**Civil Action No. 86-K-754**

Don Hudson, et al.,

Plaintiffs,

vs.

Stanley N. Boxer, et al.,

Defendants.

**Memorandum Opinion and Order**

Kane, J.

Plaintiffs filed this action on April 18, 1986 and moved at that time for a temporary Restraining Order. Because of the nature of the proceeding, the availability of defendants and their counsel and the opportunity to conduct a hearing before the date upon which it was alleged that irreparable injury would occur, I directed that notice be given and that the motion be treated as one for a preliminary injunction. At the hearing held on April 23, 1986 the parties, through counsel, agreed to this procedure. Additionally, on the hearing date, plaintiff's counsel filed an ap-

plication for preliminary injunction which in effect duplicated the stipulation ruling. After listening to the sworn testimony of witnesses and the arguments of counsel and reviewing the exhibits admitted into evidence, I am ready to rule on the application.

This is the first case filed in this circuit calling for application of the Randolph-Sheppard Act, 20 U.S.C. Section 107 et seq. with its 1974 amendments. There are very few cases outside of this circuit dealing with the statute as well. Given the exigencies inherent in a preliminary injunction proceeding and the paucity of available authority, I am reluctant, in fact diffident, to attempt to fill this lacuna in our jurisprudence. The Honorable Barrington D. Parker, United States District Court Judge for the District of Columbia has provided a very helpful description of the Act in his memorandum opinion in *Randolph-Sheppard Vendors of America v. Weinberger*, 602 F.Supp. 1007, 1009 (1985):

"The Randolph-Sheppard Act was first enacted in 1936, and amended in 1954 and 1974. The Act was designed to provide employment opportunities to licensed blind persons and to give preference to blind operators of vending stands on federal property. S.Rep. No. 937, 93rd Cong., 2d Sess. 4 (1974) ('Senate Report'). Congress believed that 'the property of the Federal government should be more fully and freely utilized in expanding the vending stand program for the blind, and that no department or agency shoul be permitted to refuse suitable stand locations to this blind program except where such stand would clearly conflict with the proper functioning of the department or

agency.' Id. at 7.

"This program is run under the auspices of state agencies for the blind, which are designated by the Secretary of Education. The state agencies bear a substantial responsibility for administering the blind vendor program. They seek permits for the establishment of vending facilities on federal property, 34 C.F.R. Section 395.16, 395.35, and issue operating licenses to blind vendors. 20 U.S.C. Section 107a(a)5; 34 C.F.R. Section 395.7(b). These vending facilities include 'automatic vending machines, cafeterias, snack bars, cart services, shelters, counters and other such appropriate auxiliary equipment' for the sale of a wide variety of items, 20 U.S.C. Section 107e(7), including 'newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually.' Id. Section 107a(a)(5)."

The statute differs significantly from other acts of Congress which establish various programs. I will go so far as to say, without implying any criticism, that it is the most unusual statute of this genre that I have read. In 1974 Congress amended the Act to provide that an aggrieved blind vendor may request a "full evidentiary hearing" before the state agency which supervises the program and, if dissatisfied "may file a complaint with the secretary of Education who shall convene a panel to arbitrate the dispute" in accordance with specific and detailed standards. Judicial review of the arbitrators' decision is authorized to proceed under the provisions of the Administrative Procedure Act, 5 U.S.C. Ch. 7 As stated by the Sixth Circuit Court of Appeals in

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Fillinger v. Cleveland Society for the Blind, 587 F.2d 336, 338 (1978), Merritt, C.J.:

"Congress' decision to provide administrative and arbitration remedies for aggrieved blind vendors clearly evidences a policy judgement that the federal courts should not be the tribunal of first resort for the resolution of such grievances. Rather congressional policy as reflected in the 1974 amendments is that blind vendors must exhaust their administrative remedies before seeking review in the district courts."

I hasten to observe that in the instant proceeding the plaintiffs do not seek review in this court, but an injunction to prevent the defendants from proceeding in a manner which would deprive them of the review processes provided for by the statute.

Plaintiffs seek to enjoin defendants, their agents, the Business Enterprise Program, the State Licensing Agency, and any agent thereof from engaging in any aspect of the process of bidding for the operation of the Terminal Annex facility of the U.S. Postal Service in Denver, Colorado, as two separate vending locations. Additionally, plaintiffs seek a mandatory injunction ordering defendants to proceed with the administrative appellate process including plaintiffs' rights to a full evidentiary hearing and arbitration pursuant to the Randolph-Sheppard Act, 20 U.S.C. Section 107 et seq.

The complaint alleges that plaintiffs are blind vendors licensed pursuant to the Randolph-Sheppard Act to operate vending stands in public buildings. They are dissatisfied with the Business Enterprise Program's (BEP) recent deci-

sion to split the U.S. Postal Service - Denver Terminal Annex into two separate vending locations. BEP is the state licensing agency for Colorado designated under the Act and required to implement the Act. Plaintiffs requested a full evidentiary hearing regarding BEP's decision. The request was denied.

In 1981, the BEP contracted with the postal service to operate a vending facility at the annex under the Act. The operating permit was approved by the Department of Education. Since 1981, Harold Powell, a licensed blind vendor, has been operating a vending facility at the annex building. Recently, Powell gave notice that he was going to retire. On 27 February 1986, at a meeting of the Committee for Blind Persons, the BEP announced that it was splitting the annex into two vending locations. The Committee was opposed this proposal. On 3 April 1986, defendant Boxer, manager of the BEP, notified the Committee that the annex would be split. Plaintiffs advised defendants of their intent to bid on the annex as a single location under the existing permit between the postal service and the BEP. This request was denied. Plaintiffs then requested administrative review and arbitration under the Act and Colorado Code of Regulations 9.206.1. This request was also denied.

Plaintiffs then brought this action seeking injunctive relief against defendants. According to plaintiffs, the state licensing agency intends to complete the bidding and selection process on or before 28 April 1986.

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#### Standing

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In Mountain States Legal Foundation v. Board of County Commissioners, 547 F. Supp. 121,123 (D. Colo. 1982), I stated: "There are established burdens placed on a litigant who seeks a temporary restraining order or a preliminary injunction. First, such a plaintiff must establish that it has standing to seek the relief requested."

In the instant case, plaintiffs seek injunctive relief against an administrative agency and an order mandating that the agency grant a hearing on the issue. Plaintiffs seek review and relief under the Administrative Procedure Act, 5 U.S.C. Section 701 et seq. Under the APA, plaintiffs "must establish that the agency action caused them . . . 'injury in fact' and that this injury is 'arguably within the zone of interests to be protected or regulated' by the statute that . . . plaintiff's claim the agency violated." Rapid Transit Advocates, Inc. v. Southern California R.T.D., 752 F.2d 373, 378 (9th Cir. 1985)(quoting Association of Data Processing Organizations, Inc. v. Camp, 397 U.S. 150, 153, 90 S.Ct. 827, 25 L.Ed.2d 184 (1970)).

The injury in fact in this case is asserted by plaintiffs to be the loss of substantial income which will be caused by the imminent splitting of the annex. This injury may well be within the zone of interests protected by the Randolph-Sheppard Act. That act was passed with the express purpose of "providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind . . . to make themselves self-supporting . . ." 20 U.S.C. Section 107 (a).

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#### Other Requirements for Preliminary Injunction

Next, plaintiffs must demonstrate: "(1) a substantial likelihood that they will eventually prevail on the merits; (2) that the threatened injury to them outweighs whatever damage the proposed injunction may cause to the opposing party; (3) that they will suffer irreparable injury unless the proposed injunction issues; and (4) that the injunction, if issued, would not be adverse to the public interest. Otero Savings and Loan Association v. Federal Reserve Bank, 665 F.2d 275, 278 (10th Cir. 1981); . . . ." Mountain Medical Equipment v. Heathdyne, Inc., 582 F. Supp. 846, 848 (D. Colo. 1984).

Plaintiffs assert they should prevail on the merits because defendants have unlawfully denied them their right to a hearing. Under 20 U.S.C. Section 107d-1(a): "Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may submit to a state licensing agency a request for a full evidentiary hearing, which shall be provided by such agency in accordance with section 107b(6) of this title."

Section 107b(6) provides that the state licensing agency agrees "to provide to any blind licensee dissatisfied with any action arising from the operation or the administration of the vending facility program an opportunity for a fair hearing, and to agree to submit the grievances of any blind licensee not otherwise resolved by such hearing to arbitration as provided in section 107d-1 of this title."

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These statutes form the basis for plaintiffs' request for a mandatory injunction ordering defendants to give them a hearing.

Plaintiffs assert that the harm to them greatly outweighs any potential harm to defendants if the annex is operated under temporary permit as a single vending location until the administrative proceedings are concluded.

Irreparable injury allegedly will consist of the loss of substantial income, attorney fees, court costs, loss of the opportunity to conduct an administrative appeal and arbitration, and loss of meaningful judicial review.

Plaintiffs assert that the public interest would be served by a full and fair adjudication of the controversy before the annex is split.

Finally, plaintiffs contend that they have no legal remedy which would adequately protect their interests since the BEP has denied their requests for a hearing.

Defendants contend that the decision to split the Terminal Annex into two separate vending locations is a definite determination which they will not change. They assert that the decision does not affect plaintiffs' status as operators and hence plaintiffs are not entitled to a hearing or appeal. My reading of the Act and the admittedly limited review of the Congressional history and case decisions does not permit me to agree with defendants. The scope of the Act and the clear intent of the 1974 amendment do not suggest such a highly restrictive view. These plaintiffs have standing. They are in imminent danger of losing valuable opportunities to bid. More importantly, the statute gives these plaintiffs pro-

cedural rights, the exercise of which is clearly precluded by the defendants' conduct. 20 U.S.C. Section 107d-1(a) gives standing to any blind licensee who is dissatisfied with any action arising from the operation or administration of the program; such standing is not limited to actions affecting their status as operators.

I find that plaintiffs' interest greatly outweighs any possible harm to defendants; that the threatened injury would be irreparable; that the public interest will be best served by strict adherence to the manifest intent of Congress and that no remedy at law exists which would preclude the issuance of an injunction. Accordingly,

IT IS ORDERED that defendants, each of them, their agents, employees or anyone acting for or on their behalf or under their direction are hereby restrained and enjoined from letting or accepting bids or awarding bids pertaining to the Terminal Annex locations one and two until the plaintiffs have exhausted the remedies afforded to them by law or until plaintiffs and each of them voluntarily discontinue the exercise of their rights to administrative hearings and review, whichever event occurs first.

This memorandum opinion and order shall not be construed in any manner as giving or attempting to give any indication that this court has any view or opinion at all on whether the Terminal Annex location should or should not be split onto two locations.

This injunction shall become effective immediately upon the plaintiffs posting a bond in the amount of \$100.00 with the Clerk of the Court.

DATED this 24th day of April, 1986.

John L. Kane, Jr.

United States District Judge

## OF RAIN AND ROOSTERS

by Jerry Whittle

(Jerry Whittle is a teacher at the Louisiana Center for the Blind.)

All of us as blind persons can probably recall times when a misinformed sighted person has asked us some strange questions concerning the nature of our blindness. For instance, when I once attended graduate school in Knoxville, Tennessee, there was a friend of mine on the city bus who had known and talked with me on several occasions. Suddenly one morning, she blurted out, "How do you know when it rains?" Seemingly taking a cue from her query, another commuter asked, "When you wake up in the morning, how do you know it is morning?" I answered facetiously by telling her that I owned a rooster, and then I told her that an alarm clock, a talking one, usually informed me that it was morning.

These types of questions happen far more often than they should. I like to think that we are winning the war against ignorance among the sighted public; yet, when I voted in the national election in 1984, the lady in charge of the balloting told my wife to tell me to put my "X" on the dotted line. I had to explain to her with clenched teeth that I was a college graduate and that I could sign my own name.

Is it logical for us to expect the sighted public, the majority of them, to accept us as potential employees when they do not even think we have the ability to sign our names or determine when it is raining? I think that part of the problem is due to our own isolation, our own self-exile. For example, many blind persons (including me) live in small towns where there is no public transportation; therefore, we must stay at home far more than we would like, or we must depend on sighted friends or family members to take us where we want to go. Additionally, many of us seem reluctant to mix with our sighted peers, or we sometimes feel the coldness of people who do not want us to be a part of their social activities. The responsibility seems to lie with us to mingle and to stamp out the little brush fires of ignorance and misinformation which still exist throughout this country. We cannot win the battle against this type of ignorance unless we find ways of becoming an integral part of the sighted world. Furthermore, we must begin to make ourselves visible in small towns as well as large metropolitan areas in order to abolish the pockets of misconception which still linger.

Our united quest for acceptance will eventually eliminate prejudice and dis-

crimination and ignorance; but the time has now arrived for all of us as blind persons to become a totally integrated social being who participates openly and independently in everyday activities in his or her environs. We must somehow overcome our own reluctance to join sighted organizations and public activities; and we need to make ourselves as visible as possible. Only then can we expect to educate a sighted public that encounters a blind person very rarely and then only on the arm of another sighted person. Moreover, we need to form friendships with sighted persons and invite them into our homes and allow them to see us conducting our lives in a normal and competent fashion.

Lobbying in Washington and in our state capitals is an excellent way to educate and to eradicate prejudice; but we can do far more by lobbying in our own homes with sighted people with whom we wish to form friendships. We can all help by doing the little mundane things of life—riding the city bus, voting, buying our own groceries, merely walking down the streets of our own home towns (not on the arm of our husband, wife, or friend), and using an NFB cane. We have to emerge totally. Going to chapter meetings of the NFB and attending national and state conventions is good; but we all must go one step further and join civic groups and attend public functions, such as concerts, football

games, and plays.

Have we formed our own subculture; how many of us have formed lasting friendships with sighted persons outside the NFB? How many of us try to avoid contact with the sighted world unless we are accompanied by someone who is sighted? Do we really walk the sidewalks of our home towns and conduct our daily business as our sighted peers, or are we still trapped in the old custodial attitudes of the past? One more question—can we truly expect to overcome ignorance and prejudice as long as we stay within our homes or within a blind subculture? I doubt it.

Membership and participation in the NFB is an absolutely essential part of our march toward total acceptance in a predominately sighted world, but coupled with this membership and participation there should also be an ongoing attempt to integrate ourselves totally into our society. Just as the blacks have begun to do, we too must become very visible in all areas of life. Seeing a blind person walking down the street should not be a rare sight. It should be as the sunrise—and just as welcome. We should make ourselves increasingly visible to a misinformed public. When this happens, people will no longer feel uneasy in our presence, and they will no longer need to ask us how we know when it rains.

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## GROWING UP ALBINO

### The Connie Davis Story As Told To Catherine Horn Randall

(Reprinted from the March, 1986, Months News, the newsletter of the National Federation of the Blind of Illinois.)

In layman's terms, albinism is a lack of pigmentation in the hair, skin, and eyes. It is inherited and is carried by a recessive gene. Albinism can apparently skip generations within a family. We cannot trace albinism back far enough in my family to find its source.

Albinism affects the eye's ability to magnify images. An albino needs artificial magnification aids to read small print and to see street signs at a distance. I use a hand-held monocular to see stop lights and to read street signs. In addition to reading glasses, I always carry sunglasses with me. An albino's eyes are very sensitive to light. I need to wear dark glasses on sunny days and even on partly cloudy days. The glare from late afternoon sun and from snow can literally blind me.

I was born in the early 1950's. According to my mother, my eyes raced back and forth and didn't seem to focus soon after I was born. This was my parents' first clue that something was wrong with my eyes. Nothing had been said to them about my eyes before they took me home from the hospital. My mother learned about my albinism and blindness by accident. During my six week check-up the doctor momentarily

left the room and she read the words "albino blind" on my record. My poor mother was distraught and in shock, to put it mildly.

In the early 1950's not much was known about blindness due to albinism. My parents took me to Children's Research Hospital in Chicago and to the Karl Clinic in Champaign, Illinois. I believe doctors at the Karl Clinic advised my parents to have me fitted with my first pair of glasses when I was two years old. That was very young for a child to be wearing glasses in those days. I tend to remember things in visual images, so my first memories are of events that occurred after I began wearing glasses and could focus my eyes and thus be able to see for the first time.

My hand-eye coordination isn't good, and I noticed growing up that it took me longer to develop gross and especially fine motor skills than it did my younger brother, who has normal sight. I loved to play with paper dolls, but I could not cut them out very well. I didn't learn to ride a two-wheel bicycle until I was at least six. I don't remember if my coordination was the problem, or if the delay was really caused by my parents' fears that I would ride and get hurt, which, of course, I did like most kids. Unlike most kids, I wasn't allowed to ride in the street until I was in junior high or high school. I

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really didn't have the confidence to cross busy streets alone until I was out of college.

I was legally blind, but I wasn't trained in the two most essential skills of blindness; namely, the ability to use a long white cane to cross streets safely, and the ability to read and write Braille.

The terms "albino" and "blind" were not discussed in my home. I was not legally blind, according to my family; I was visually handicapped. I hate the term "visually handicapped," with all its negative connotations; "legally blind" says it like it is.

I was pretty well accepted by the kids at school and in our neighborhood. They all knew I couldn't see very well, and they looked out for me. The kids did tease me and call me George Washington because of my white hair. I was teased more about being albino than I might have been otherwise because I adopted my parents' defensive attitude about it.

I used large print books until fourth grade. I was then given a hand-held magnifying glass, and that was how I made it all the way through high school and college. I didn't know large type

typewriters were available either. I just got by. I also hadn't heard of the Library of Congress Talking Book Program until I was in my late twenties.

I had my first male teacher in sixth grade, and he began to turn my negative attitude about myself around into a more positive one. He adored me and called me "Cotton." He told me, until I finally believed it, that there is no such word as "can't."

My parents knew that Braille existed, but they wouldn't admit to themselves that they had a blind daughter. My mother still hates the fact that I am learning Braille.

I finally decided to take cane travel lessons at the Catholic Guild for the Blind in Chicago. I use an NFB fiber-glass white cane, and I don't worry about missing curbs and steps anymore. I am currently in my third year teaching French to students from first through eighth grade at the Hardy Preparatory School for Boys in Chicago. My students know I am the boss, and they seem to like it that way. My kids don't worry about my blindness. All they are concerned about is learning French.

## THE WORK ETHIC APPLIES TO BLIND CHILDREN, TOO

by Catherine Horn Randall

(Reprinted from the March, 1986, Month's News, the newsletter of the National Federation of the Blind of Illinois.)

An article published in the January, 1986, issue of Reader's Digest entitled "How to Raise a Happy Child," by Edwin Kiester, Jr., and Sally Valente Kiester,

made me stop and reexamine my carefree childhood. The truths I read and re-read in the Digest article can be especially applied to the lives of blind and partially blind children and teenagers, as well as to their sighted peers.

This forty-year-old Harvard study began to try to understand juvenile delinquency. The study traced the lives of 456 boys from inner city Boston. When the boys' lives were compared at middle age, one fact was cited. "Regardless of intelligence, family income, ethnic background, or amount of education, those who had worked as boys, even at simple household chores, enjoyed happier and more productive lives than those who had not."

According to Dr. George E. Vaillant, author of the study, "Boys who worked in the home or community gained competence and came to feel they were worthwhile members of society. And because they felt good about themselves, others felt good about them."

According to the article, an eleven-year-old philosopher of the 1980's instructed his mother as follows: "You only need to know three things about kids. Don't hit them too much, don't yell at them too much, and don't do too much for them."

As a child during the dark ages of the 1950's, I was not expected to do regular chores at home. I emptied waste baskets sometimes and made my bed occasionally, but I was not regularly expected to do these jobs or others as a contributing member of the family. Over the years I have asked my mother why she did not expect me to do chores at home, and her answer has invariably been that my school work took up most of my time. I

then have to remind her that I did not start bringing home much homework until I was twelve. I feel it is a disservice to any child, and especially to a blind child, not to be expected to share family responsibilities along with everyone else. Just because a child or teenager happens to be partially or totally blind should not exempt him or her from learning to take responsibility.

When homework assignments became routine, I was expected to do them. I loved school and didn't mind working hard to complete assignments. The one area, therefore, in which I was expected by my parents to follow through, I did. But in life we must learn to also complete jobs we don't like. This is called living up to our responsibilities.

Blind children have the right to learn to become independent people. This means they need to know how to do every chore around a house competently. I did not know how to iron when I left home for college. I sent my blouses to a laundry service, and I took a lot of ribbing about it. So many things in life would have been so much easier if I had learned to do them as a child or as a teenager.

As a high school English teacher, I have learned that if students are not expected to meet and exceed reasonable standards of performance, they won't. This philosophy applies also throughout life outside the classroom. Blind people must be able to perform everyday tasks as competently as their sighted peers. The blind child, like any child, needs to feel that he or she is an integral contributing part of the family team. As your child or teenager learns to master household tasks, his or her

self-confidence will improve. The blind child needs to be a participant in life, not just a spectator.

The most important gift you can give your blind son or daughter, after assurance of family love and support, is to teach that person to become as self-

sufficient as possible. In addition to developing good cooking, cleaning, and laundry skills at home, insist that Braille and cane travel skills are written into your child's Individual Education Program (IEP) at school.

### THE NEW BREED

(This article is reprinted from the December, 1985, Newsletter of the National Association to Promote the Use of Braille.)

A short, rather plump man stood behind the podium and waited for the audience to stop applauding. I noticed immediately that he wore three dark objects about his neck. Being an English major, I thought of Coleridge's Ancient Mariner, who had to wear an albatross around his neck. This man had three of them. However, I soon discovered that the three albatrosses were actually visual aids of some type; for the man turned on a very bright lamp just above his left shoulder, stooped over until his nose seemed to be touching the podium, and began to peer almost painfully through a binocular-type device in order to see his notes.

He began his speech by telling the audience that he was the Director of the Center for the Nearly Sighted. His Center specialized in fitting visually impaired people with the proper visual aids to help them live independent lives. Squinting through his binocu-

lars, which he seemed to fidget with endlessly, he said: "We who still have some residual sight remaining (I have 20/200 in my best corrected eye) do not have to be shackled with thinking of ourselves as poor little blind people. We should not have to be forced to read an almost obsolete system like Braille if we do not want to. We have other options at our disposal, and this is the purpose for founding the Center for the Nearly Sighted. For example, I achieve total independence through the use of seventeen different visual aids, which I use interchangeably as the environment dictates. I even have a three-pound device which I use under different lighting conditions out in the car," he boasted. "Those of us who can use the smallest particle of residual sight remaining are no longer blind. Because of the new technology, we are merely visually impaired." The hot lamp above him seemed about to burn his balding pate as he straightened up and removed the binocular from his face as if to emphasize his point. "Because of the new technology, we are free from the stigma of blindness. We have a new

terminology for those of us who are only legally blind. We can now use the terms visually impaired or partially sighted, and within these classifications, we have low partials and high partials."

Being an English major, I immediately thought of George Orwell's Newspeak. "Here comes more jargon," I thought. "Let's see: Low partials could be shortened to Lopies and high partials to Hypies." I was amusing myself with my own form of Newspeak until I was jolted out of my thoughts by the words of the stooping man at the podium.

He said, "With my seventeen visual aids, not only am I free from having to laboriously study and use Braille, but I also do not need to use a white cane. The cane is becoming obsolete as fast as the Braille. You can use a cane if you want to, but it is not for me—not when I can use all my visual aids for achieving independence."

I observed that the young blind man sitting next to me had a white cane beneath his chair. I could also sense that he seemed very disturbed at the remarks of the Director of the Center for the Nearly Sighted, and he wrote something quickly on a Braille writing instrument which he held in his hand.

The Director of the Center for the Nearly Sighted continued to speak: "Braille is fine for those who have no sight, the totally blind, or for those blind people who cannot use visual aids even though they have some light perception, the functionally blind. However, for those of us who have some usable partial sight, the new technology has freed us from the need for Braille. Technology will cure all of our ills. Braille will some day be studied in the same way we study cuneiform or ancient

hieroglyphics. Furthermore, I can foresee a day (and it is not too far away) when we will be able to walk into a grocery store and punch a button on a bottle of ketchup, and it will announce in a computer voice how much it weighs, how much it costs, and what kind it is; but until that glorious day arrives, we must continue to perfect our magnifiers and our other visual aids.

"Those of you out there can go ahead and learn to use Braille if you want to, but I will take the freedom of my seventeen visual aids and my four high intensity lamps any time. I say let the blind and the functionally blind read Braille until something better comes along. The rest of us can use the Center for the Nearly Sighted to cure our ills and to beat the rap of being thought of as blind. Stop thinking of yourselves as blind. A new day has dawned. We are the new breed. We no longer have to think of ourselves as poor little blind boys and girls, who have to be sent away to some dark and dreary residential school to learn Braille and the use of the cane. We can now attend the Center for the Nearly Sighted and learn the use of the magnifier and the principles of the refracting telescope. Viva Galileo. Armed with our magnifiers, binoculars, monoculars, and good lighting, we can now show the world that we are not blind. We just don't see well."

The Director of the Center for the Nearly Sighted raised himself once again from his hunched-back position and poised the heavy binocular jauntily near his right cheek. He beamed magnanimously and said with even greater gusto: "I can see a day when centers like mine will dot the countryside. We have only

begun to spread the good news about aids for the visually impaired. I am not in this for the money. I am totally dedicated to the principle that technology is the panacea for every ill among us. The day will come when blindness will no longer exist, and if you will give generously to help build one of our centers in your fine state, we can beat the rap of thinking of ourselves as blind. I can see a day coming when we can burn those musty old Braille books. New and advanced technology is the answer for the partially sighted, and even for the blind. The high partials can lead the low partials, and we will find some way really to help the blind one of these days. Join us in our quest for a brighter tomorrow."

The Director of the Center for the Nearly Sighted again straightened and mopped the sweat from his brow with a white handkerchief, for the high-intensity lamp seemed to be blistering his pale face. Some of the people in the audience applauded the speaker vigorously, but I noticed that the young blind man next to me did not applaud so vigorously. In fact, he seemed deeply troubled by what he had just heard. Curiosity getting the best of me, I leaned over and asked him, "What did you think of the speech?"

He placed his Braille writing instruments in his pocket, shook his head sadly, and answered: "I am deeply troubled by what he said."

"Why?" I asked.

"First of all, his whole attitude toward blind people is one of condescension, and he has no right to feel that way. I can read and write Braille faster than he can ever read and write with all of his seventeen visual aids, but

the really sad thing is that he could use Braille and a cane much more effectively than he can use his aids."

"Are you saying that you oppose the use of visual aids?" I asked.

"Not at all. I think visual aids can be used by those who can benefit from them to supplement Braille skills, but I definitely think that Braille should be learned by every blind person, including him," the blind man answered.

"Then you consider him to be blind, not merely visually impaired?" I was intrigued by the difference in their philosophies.

"I think he has found seventeen different defense mechanisms to try to deny that he is blind, but everyone here today could see that he is blind. There is nothing wrong with being blind or in using the word. What really scares me is that his sort of attitude about blindness may become an albatross around the necks of all of us who are trying to dispel the myths about Braille and about blindness. He is not helping the blind to convince the sighted community that we can function normally with Braille and cane skills, because they will attribute everything he does to the fact that he still has some sight remaining; but I can tell you that he is not as independent as he could be. He is hiding from the truth, and I am afraid that he will become a kind of hero to all of those people who are ashamed to admit that they are blind and who are too scared or too lazy to learn to read Braille. He will give too many blind people a kind of false hope at the expense of all of the blind."

"I think I understand some of what you are saying, but I don't know enough about the subject to accept either side

of the issue," I said.

"Well," the blind man retorted, "you are among a large segment of this country, both blind and sighted, who cannot make up their minds which way to choose; so don't feel alone. You will know the true philosophy by the kind of fruit it bears. In other words, which side produces truly independent and efficient blind persons? The choice is yours."

I watched the young blind man walk away. He moved his cane deftly in front of him as he left the large room. When he had disappeared out the door, I turned and watched the Director of the Center for the Nearly Sighted as he was led away by his sighted wife. As she led him up the aisle, he peered all about him through the use of one of the three visual aids about his neck.

## LIBRARIAN OF CONGRESS NAMED IN LAWSUIT

by Bonnie Miller and Nolan Crabb

(The following article appears in the Winter, 1985, edition of DIALOGUE. With its usual propensity for picking the wrong lawsuit at the wrong time, and doing great harm into the bargain, the American Council of the Blind has allowed its name to be associated with the filing of an action against the Librarian of Congress. The short-term advantages of the publicity which the ACB has received will be outweighed by the long-term disadvantages. The blind are hurt; the library program is endangered; and only PLAYBOY magazine benefits.)

A lawsuit has been filed against Librarian of Congress Dr. Daniel Boorstin by PLAYBOY Enterprises, Inc., the American Council of the Blind, the Blinded Veterans Association, the American Library Association, and three blind individuals.

According to Burton Joseph, Esq.,

Special Counsel to PLAYBOY Enterprises, Inc., the suit requires Boorstin to consider PLAYBOY on the same literary basis as any other magazine. It also declares any attempt to eliminate funding for the Brailing of any magazine based on its editorial content, a violation of the First Amendment. The plaintiffs stated their right to receive information, PLAYBOY's right to be free of censorship, and the plaintiff's librarian's right to choose and make available a wide range of information have all been violated.

Although Boorstin has expressed his displeasure at the elimination of the funding for the Braille PLAYBOY, and has termed the action as censorship, adding that "censorship has no place in a free society," he is the recipient of the lawsuit, filed December 4, 1985.

David Ogden, an attorney for the plaintiffs, said, "Boorstin is the official charged by statute—therefore, he

is the one. Even if the statute is unconstitutional, he must obey. At his direction, the Brailling of the December PLAYBOY was cancelled, as was the Brailling contract."

"You cannot sue Congress or a Congressional representative, but you can sue an employee of Congress," said Oral O. Miller, National Representative of the American Council of the Blind.

Boorstin decried the amendment but "felt obliged to follow the mandate of Congress," Joseph said.

"He got caught in the middle and made a very courageous statement," said Ogden.

Jean Tucker, Assistant Information Officer for the Library of Congress, said Boorstin would respond to the lawsuit only through the United States Attorney's Office. As the respondent, Boorstin has sixty days to prepare a reply to the lawsuit.

"I am sure Dr. Boorstin will refrain from making any statements until he is required to do so by the legal deadline," she said.

"When this issue was originally voted on in July, many Congressmen didn't even hear the debate before voting," said Miller. "As you remember, Congress was voting on a legislative appropriation budget. After the amendment was proposed, a voice vote was taken. At that time, the Chairman indicated that those opposed to the amendment that would cut funding for PLAYBOY had won. Congressman Chalmers P. Wylie (R-Ohio) demanded a quorum call.

"Bells rang all over Capitol Hill and many Congressmen came in for the vote. They saw this as merely a cut in their own budget and they thought it would look good to the folks back home. They

really didn't know what the implications were, and Congressman Vic Fazio (D-California) has told me that many of his colleagues were 'ashamed and embarrassed.'"

Joseph said that Congressmen Fazio and Jerry Lewis (R-California) were filing a friends of the court brief.

The plaintiffs are very optimistic about the success of the suit.

"This is definitely a clear-cut violation of the First Amendment," said Miller. "The issue here is the content of PLAYBOY, not the cost of production. If cost had been the issue, I don't believe they would have cut funding of the sixth most popular magazine in the NLS's program.

"Congress itself chose in this case to cut funding for a magazine selected by a long established authorized process. That selection involves decisions by librarians and readers. Congress has long acquiesced to those decisions. In this case that selection procedure was totally overlooked."

A spokesman for Rep. Wylie stated that the Congressman is equally optimistic that the suit will be to no avail.

"By policy, principle, and precedence," he stated, "the judiciary branch of the government does not interfere with the actions of the legislative branch. There have been exceptions, of course, but they are very rare."

"After the amendment was passed, PLAYBOY Enterprises received many phone calls for help from various blind organizations, including the ACB," said Joseph. "I raised the issue with management, who said that they owed it to their readers, although at great expense and no profit, to challenge the unprecedented and unconstitutional budget

amendment on behalf of the BVA, ALA, ACB, and ourselves.

"As everyone knows by now, PLAYBOY makes no money off the Braille edition of our magazine, which simply covers our editorial content. We have received contributions from the ACB and others, but we are footing most of the bill.

"The lawsuit will run between \$25,000 to \$100,000 or more if we have to fight it all the way to the Supreme Court. We are prepared to do this. We are committed."

Kenneth Jernigan, President of the National Federation of the Blind, disagrees with PLAYBOY Enterprises' stated motives regarding the lawsuit.

"PLAYBOY is using the lawsuit as a way of getting free publicity. I have in my possession memos written by PLAYBOY Enterprises' attorneys, one lengthy memo in particular, regarding the good publicity that would result from that lawsuit."

The NFB is not participating in the lawsuit. Jernigan explained why.

"We were not invited to participate, nor would we have had we been invited. As far as I am concerned, this is nothing more than grandstanding on the part of the American Council of the Blind. Legal action is not appropriate. The best way to resolve this situation is to work closely with Congress. After all, the action Congress took is valid

only for 1985.

"I believe we could have gotten PLAYBOY restored with relative ease in subsequent years, but the lawsuit has changed all that. There is a definite chill on Capitol Hill as a result of the action of PLAYBOY and the ACB."

Jernigan said the Federation is working closely with "key members of Congress" to restore PLAYBOY in future years.

"The constructive way to restore PLAYBOY is not by crying about censorship. All publications in Braille are censorship because some magazines are Brailled while others are not. The question is, who does the censoring? Do you let the Library of Congress do it or do you let Congress do it? It is better to let the Library do it than Congress."

Jernigan is pessimistic about the success of the lawsuit.

"I think the lawsuit will culminate in more negative than positive results. These people are on shaky legal ground when they say that Congress does not have the right to withhold funds. I believe they will set a bad precedent in this suit which could make it more difficult for other magazines to be put into Braille.

"We have never agreed with the action Congress took last July. But we believe that there is a better way to resolve the issue."

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## MOBILITY: BLIND INSTRUCTORS?

by Allan G. Dodds

(Allan G. Dodds is a member of the Blind Mobility Research Unit, Department of Psychology, University of Nottingham, England. His article—which appeared in the May, 1985, New Beacon—is particularly relevant in view of the lawsuit which Fred Schroeder has filed to compel the American Association of Workers for the Blind (now the Association for the Education and Rehabilitation of the Blind and Visually Impaired) to cease its discrimination against him and give him the certification as a mobility instructor which his training and expertise entitle him to have. Mr. Dodds describes his visit to the Nebraska Services for the Visually Impaired and his observation of the teaching techniques of Christine Roberts Boone. Federationists need no introduction to Christine Boone, either as mobility instructor or President of the National Federation of the Blind of Nebraska. The truth is that, whether some of those who plan to be "professionals" like it or not, blind persons can teach mobility to the blind as competently as the sighted can teach it. Mr. Dodds, sighted and trained in the field, bears this out.

The Schroeder lawsuit is not yet settled, but the depositions which have been taken in the case make a record worth reading. They tell of bigotry, ignorance, and a desperate attempt to build a mystique and hold a monopoly. They also tell of courage, determina-

tion, and the struggle of the blind to be free.

The Dodds article is a refreshing change from what we sometimes get from what is called the "field." It is worth thinking about.)

Last year I approached the Royal National Institute for the Blind with a request for funds to visit an agency in Lincoln, Nebraska, USA, which for some years now has employed totally blind mobility instructors. Since I was already being funded to give a paper at a conference in California, it seemed a pity to miss the opportunity of extending my trip to take a close look at the way in which blind mobility instructors operate. I was therefore delighted when I received word that my request had been approved, and I immediately set about making up my new itinerary. I had asked the Director of Nebraska Services for the Visually Impaired—Dr. James Nyman—if he would have any objections to my visiting his agency in order to make some critical observations. As it turned out, he was only too pleased that an impartial observer should come and visit the center, for its practice of employing blind instructors has by no means received universal approval in the USA.

The degree to which one accepts or rejects the idea of blind people working as mobility instructors in advance of any evidence for or against their compe-

tence is conditioned by one's own prejudices about blindness. I observed this many times during casual conversation with a number of people before my visit. Few took a middle position on the issue. Some rejected the idea outright, and I got the impression that no amount of reasoning or presentation of factual evidence would ever cause them to change their minds. Others took the opposite view. They thought that blind instructors would be the ideal people to teach mobility, since they were themselves practicing it on a daily basis. My own position on the matter was quite neutral: I would reserve judgment until I had seen blind mobility instructors in action.

When I arrived in Omaha, Nebraska, I was welcomed by Mary Ann Karstens, the headmistress of the local school for the visually handicapped, who took me to the school where the parent-teacher group was waiting for me to give a talk and answer questions about my research interest in the spatial problems of the congenitally blind. My duty thus performed, I was whisked off by car to Lincoln, where I was to spend the next few days.

The motel to which I had been booked deserves a mention. We arrived after dark and entered a large lobby. Strains of country and western music permeated the building, and the local clientele looked like they had stepped out of "Dallas." Practically every one of them, to a man, sported a ten-gallon hat, checked shirt, blue jeans and long, high-heeled leather boots. Bushy mustaches seemed to be de rigueur, and no one except myself seemed to be under six feet tall. I felt definitely in the minority, but once I had been reassured

that this was normal for the Midwest I began to relax and enjoy chatting to some of the staff members, until jet-lag caught up with me.

Next morning at seven the phone beside my bed wakened me from a profound sleep. It was Dr. Nyman's secretary reminding me that I was expected to give a seminar at eight! I have no recollection of the process of getting up, showering, etc., which I presumably carried out on auto-pilot, or of getting downstairs for a breakfast which apparently I didn't have time to eat. I only recall standing in front of a large group of staff and students with a large cup of coffee in my hand, being introduced as the guest speaker. I realized that this was the price I was to pay for being allowed to put them under the microscope.

In the afternoon I was introduced to Chris, one of the totally blind mobility instructors. Not only was she prepared to let me follow her around whilst she was teaching clients, but she also insisted on giving me a mobility lesson under blindfold. This was more than I had hoped for, and I readily accepted her offer. She also agreed that I could take photographs during the lesson, and allowed me to place a personal cassette recorder around her neck so that I could get a complete record of what was going on. I know how intimidating this must have seemed, having experienced difficulty in getting sighted instructors in this country to agree to such a procedure, but Chris didn't show the slightest concern.

As a psychologist, I was interested from a number of points of view in being on the receiving end of blind instruction, and having undergone mobility instruction with a sighted instructor I

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was interested in making comparisons. For example, not knowing anything about how a blind instructor operated, I was concerned about how in touch she could be with her client in terms of monitoring his motor skills. It was here that I had anticipated problems. How, for example, could the blind instructor monitor such important skills as keeping a good cane arc, keeping in step, etc.? I could not guess how this could be done without the benefit of sight. Perceptual skills are also important, particularly auditory ones, and again I was interested to know how the blind instructor could insure that these were being developed properly. Cognitive skills, such as mental mapping of routes and problem solving in general, are also vitally important for successful travel, and I was most concerned that these should be monitored. Finally, and this aspect should not be underestimated, I wanted to know how I felt towards a blind instructor—whether I trusted her, or whether I felt that she was not totally in tune with my performance.

My first shock was to find that the long cane used in the States is about ten inches longer than the one used here, and that the one I was being given came up to my chin. The reason for this is that, instead of being held at arm's length, the cane is held in a much more relaxed fashion, with the elbow bent and upper arm by the side of the body. This effectively reduces the distance between the body and the tip, and hence accounts for the additional length of the cane. Chris showed me how to hold the cane by using a "hands-on" technique, similar to that of a sighted instructor. Then she asked me to practice my cane arc by walking up and down the corridor of the

building. After only a few steps, she called out that my cane was not going far enough over to the left, and asked me to correct it. Slightly surprised, I consciously swung it further over to the left, and she told me that that was better.

Once I had made my way outside, Chris told me that we were facing a large U-shaped car park, and that she wanted me to travel up the right hand leg of the U, trying to avoid the cars which were parked on both sides. When I encountered the driveway, I was to turn right and step up onto the pavement. Chris also got me to understand which direction I was facing in, and drew attention to the cue which I could get from the heat of the sun on my face and trouser leg. Then she let me set off, clanging my way against car bumpers, until she stopped me to ask what I thought was happening and whether I could see a pattern in it. After a few moments' reflection and some debate, we came to the conclusion that either my left arc was too wide or I had a tendency to veer to the left.

Eventually I arrived at the driveway and stepped up onto the pavement. My next task was to cross the road and turn left on the opposite upcurb. I squared myself off and crossed during a lull in the traffic. Stepping up, I found grass beneath my feet. Mmm. . . I thought, this can't be right. Searching with my cane to left and right produced only more grass, and I couldn't immediately see what the problem was. Then a hypothesis formed in my mind. Suppose the pavement were set back from the road and separated from it by grass? I took three steps forward and, eureka, there was the pavement! Now this was some-

thing I should have known, for I had seen the environment during the previous day's excursions—yet my visual impression did not transfer to my blind mobility.

The next episode was most enlightening. My task was to find a crossroads and make a crossing. The presence of the crossroads was signalled by an increase in the sound of traffic, and I found the downcurb without difficulty. Chris asked me what sort of crossing I thought it was: traffic light-controlled or not? After a few moments of careful listening, I concluded that it was an uncontrolled crossing, since the cars seemed to be taking turns in moving off in two different directions alternately. Fortunately this was correct, and Chris then asked me to line myself up with the traffic to do a parallel crossing. This, being out of practice, I did with some difficulty, and Chris briefly put her hands on my shoulders from behind in order to check that I was facing the same way as she was. Not satisfied, she asked me to listen some more, and requested that I wave on a car which had been waiting for some time for me to make up my mind. This I did with some embarrassment, for I had not even been aware that its big V-eight engine had been quietly ticking over whilst I had been concentrating on listening to other, moving vehicles!

Once Chris had satisfied herself that I was lined up properly, she left it up to me to decide when I should cross. Choosing a quiet gap in the traffic, I shouted to her that I was going, and after receiving the go-ahead from her I soon found the opposite upcurb with my cane. Chris was right behind me, and congratulated me on my good crossing

line. "You've veered about a foot," she informed me. From there on it was back to the Center, and a chat about how Chris had been aware of so many aspects of my performance.

The first thing I wanted to know was how she could monitor my cane technique. "That's easy," she said. "I listen to how hard the tip hits the ground. If it raps, then you have too high an arc. If your arc isn't central, I can tell by the way the tip sounds in relation to your footsteps. And if you're out of step, then I can tell by whether the sound of the cane tip hitting the ground comes from the same or the opposite side of your concurrent footfall." Chris seemed surprised that I doubted if such auditory discrimination were possible: She took those skills quite for granted during the course of her work.

The following day Chris suggested that I observe her teaching a couple of clients. The first student, whom I shall call Bill, was partially sighted and had a slight hearing impairment. In common with all students at the Center, he was being trained under blindfold. Bill had been at the Center for only a week, and already he was doing outdoor travel in a residential area, although several independent road crossings were involved.

Before leaving the Center, Chris gave Bill a set of verbal instructions and made sure that he understood them correctly before allowing him to proceed. Satisfied that he knew what he was to do, she told him to carry on through the car park, find the driveway, cross the road, and do a right on the upcurb before proceeding with his route. So far, Bill had only traveled over the first part of it, the remainder being quite

new to him.

Bill's progress through the car park was much better than mine had been, since he had traveled it several times before. He contacted one or two vehicles before gaining his line of travel towards the main road. His touch technique was good with respect to arc width, height, and centrality. He detected the driveway through the change in gradient and made a safe crossing in spite of his hearing impairment. Chris praised him for this and then let him concentrate on the next section of the route. Part of this contained a cul-de-sac, which Chris had not told him about. This produced some confusion when he found himself back at almost the same place he'd started at, after walking all the way around it. Chris patiently waited while he tried to figure out where he was, prompting him with questions which forced him to use the information he already had to solve the problem. This "guided discovery" method was typical of Chris's style of instruction, and it later emerged as an explicit philosophy of the Center.

The next student I observed was Phil, who had practically completed his nine months' training. Like Bill, Phil was partially sighted and had been trained under blindfold, although he often practiced his mobility without it. Phil's lesson was to consist of a drop-off, followed by a mile-long walk involving busy main road crossings, a pedestrian footpath through a park, and almost everything except the use of public transport. Phil set off at a cracking pace which was faster than my normal sighted one. He soon established where he was and chatted constantly as he walked. At one point we encountered a

small shower of water coming from a sprinkler which was set back from the pavement, upon which Phil broke into a run, his cane working overtime as he sprinted out of reach of the water droplets.

So confident was he that I stopped checking up on his decisions to cross at busy junctions, simply putting my trust in his decisions and maintaining a conversation with him. That was the moment when I realized that my residual prejudices about blind travel had finally been put to rest. In spite of myself, I would never really have trusted a blind person to make a safety decision on my behalf without checking it out visually. Now I realized that good blind travel had to be judged on blind criteria, not sighted ones, and the fact that blind travelers don't get run down by cars is not due to the consideration of the motorist but rather to the sound judgment of the traveler. And yet I had trained blind people to do this myself, without fully believing that it was safe.

In a second article I will look at the whole issue of attitudes towards blind instructors. Already my own attitude was changing. I was beginning to feel that blind instructors had more to offer than the sighted were prepared to admit, and that I would do well to listen more to what blind students had to say about their experiences on the receiving end of blind instruction. For my own part, I was thoroughly convinced that blind instructors could do most of what sighted instructors could, and what they couldn't do was not vital to the teaching of safe and independent travel. But that is for the next installment of my story.

## PREJUDICE, AIR TRAVEL, AND THE ANDERSON CASE

by Marc Maurer

In February, 1985, Russell Anderson sat peacefully in an emergency exit row seat on a USAir flight scheduled to go from Washington, D.C. to Indianapolis. Because he is blind, he was ordered to move. Russell Anderson insisted on his right to equal treatment, and he stayed where he was. Police officers were called, and he was arrested. The sole reason for this arrest was that Anderson is blind. If he had been sighted, the arrest would not have taken place.

Russell Anderson sued USAir. Despite a substantial quantity of evidence in his favor, the district court judge ruled that USAir would be granted summary judgment. The judge said that no matter what evidence Russell Anderson brought to the Court, there was no way that Anderson, as a blind person, could win. The case would not even be permitted to go to a jury. In reaching this decision, the judge employed (to put it mildly) an unusual kind of logic. For example, the decision says:

"The court can readily understand the desire of blind people to be treated equally with sighted persons to the greatest extent feasible. Nevertheless, there are situations in everyone's life in which a degree of autonomy must be given over to others in the interest of the safety and well-being of one's self and of others. This case presents such a situation. In this, the worst year in civil aviation history from the standpoint of the number of fatalities, the

interest in air safety demands that every air passenger defer to the expertise of air transportation safety authorities and relinquish a measure of autonomy."

In other words, the judge says more people have died within the last year in air crashes than ever before in history. From this single fact the court concludes that every pronouncement of the airlines which includes the word "safety" must be regarded as inviolable. Even if there is no justification for these statements, and even if they are based entirely on prejudice, the declarations of the airlines must be followed.

This is an astonishing conclusion. If the safety practices of the airlines have caused more fatalities in the last year than in any other comparable period in history, it would seem that something is going wrong. As the accident rate escalates, and as the death toll rises, the safety pronouncements of the air carriers, according to this judge, become more sacrosanct. If the judge's conclusion seems illogical, one can only report that this is what he said.

Note also the condescending tone of his remarks. He says that he could readily understand the desire of blind people to be treated equally with the sighted—but only to the greatest extent "feasible." However, he does not recognize the legal requirement that the laws be made applicable alike to all persons,

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blind and sighted. He tries to exercise what he would call "understanding." Nevertheless, he states with absolute clarity that the blind must comprehend their limitations, must give up control of their own lives, and must be willing to be custodialized by the airlines. In his words: "There are situations in everyone's life in which a degree of autonomy must be given over in the interest of safety and well-being of one's self and of others."

This is only the introduction. Despite sworn testimony by USAir officials that there is no one at USAir who knows why USAir has its policy to exclude blind people from emergency exit row seats, the judge asserts that the reason for preventing blind people from sitting in such seats is to enable the aircraft to be evacuated within ninety seconds and to prevent obstruction of the aisles leading to the emergency exits. Without saying so directly, the judge declares that blind people will not be able to evacuate a plane with the same speed as the sighted. Furthermore, he states that the blind will be an obstruction in the evacuation process. Of course, these assumed "facts" have not been established in the record before the court. However, this does not stop the judge. He goes on to quote from a document produced by the Federal Aviation Administration. This document is not a rule, regulation, or policy. It was not made under oath, and it was not signed. The statements about the blind contained in the document were not based upon experience or observation. Nevertheless, the judge adopted part of its language as a basis for treating blind people differently from others. He says:

"Egress by way of overwing exits on aircraft without wing-to-ground descent devices," the judge says, quoting from the unsigned FAA document, "would expose handicapped passengers to injury." It is true that the wings of an airplane are several feet above the ground. If a passenger is evacuating through an over-wing exit, that passenger must get from the wing to the ground. In this process, some injuries—bruises and sprained ankles—may occur. Of course, blind passengers are no less likely to be injured than the sighted. But neither are the blind more likely to be injured than the sighted. This judicial opinion implies that the rate of injury for blind passengers will be greater than the rate of injury for the sighted. Therefore, this judge ruled that it is reasonable to prevent blind people from being seated in emergency exit row seats. The only other conclusion which is reasonable in the circumstances is that exposing the sighted to injury is all right but exposing the blind to the same injury is not. This decision says that either the blind are unsafe or that the blind must be given super protection from injury even if this means segregation and discrimination. For the first proposition there is no proof. The blind reject the second as the outmoded and degrading custodialism which it is.

The heart of this unusual decision is contained in yet another sentence. It says: "Although Mr. Anderson's filings have shown that there are blind individuals who may be able to make these (safety) determinations in some circumstances, assuredly he has not shown that blind people as a class are so qualified." In other words, all blind people everywhere and in every circumstance

must be able to make all safety determinations demanded by the airlines or else every blind person everywhere in all circumstances will be subjected to discrimination. This is the standard laid down by the court. If Mr. Anderson cannot show that every single blind person is capable of handling every single emergency conceivable (whether such emergency has ever happened or not), then he must be subjected to discrimination.

If this standard were employed to decide which members of the air traveling public would be seated in emergency exit rows, no one could sit there. No class of people can claim that every one of its members in every circumstance all of the time can make all of the safety decisions demanded by circumstance or whim of the airline. This standard requires more of the blind than is required of any other group. Has anyone ever demonstrated that all sighted people are capable of dealing with all emergency situations regardless of the circumstances? Of course not. It is ridiculous even to suggest it.

And what of the sighted passenger sitting in an emergency exit row with a drink in his or her hand? Why is it that the sighted passenger after two or three or four or five drinks is preferred to a sober blind passenger? The airlines never ask the inebriated sighted passenger to move. Why is it that the judge did not consider that the cabin could be full of smoke or that it might be night with the lights out? All of these factors (and more) were presented to the Court. The judge's decision ignores them.

Webster's New World Dictionary of the American Language, Second Edition,

defines prejudice as "a judgment or opinion held in disregard of facts that contradict it." There has been only one test of the capacity of blind people to evacuate a plane. That test was conducted approximately one year ago by the National Federation of the Blind. Blind people handled themselves in that evacuation with competence and dispatch.

Judges are not immuned from popular mythology or prejudice. Blind people do not have less ability than the sighted. However, judges are not born knowing this. In the long term the National Federation of the Blind will prevail in its effort to achieve equal treatment for blind passengers on airplanes. Ultimately we are determined that rationality rather than fear and facts rather than superstition will guide judicial decision-making. However, if this is to come true, we must continue to build the National Federation of the Blind. The way to educate the judges is to raise the voice of the organized blind to a level that the public can hear and understand the need of blind people for equal opportunity and fair, unbiased treatment.

Meanwhile, the Anderson case has been appealed to the United States Court of Appeals for the District of Columbia. The question before the court is as basic as justice itself. It is this: Will the airlines be allowed to treat blind people as second-class citizens when the facts clearly demonstrate that there is no safety-related reason for doing so? Arrayed against the blind are the mystique of the airlines, the popular belief that airline officials (all airline officials) are experts and that the blind are not, the notion that airline officials act objectively and not

from motives of pettiness or perceived self-interest, and (above all) man's ancient fear of the dark with all that that implies.

The outcome of the Anderson case still hangs in the balance, and we may suffer a temporary setback in the decision; but

in broader context the issue is not in doubt. In the struggle for equality and human dignity there can be no compromise. The airlines have nothing to lose but their pride and prejudice. For the blind the stakes are liberty and first-class status.

### GLADSTONE'S POSTMASTER-GENERAL

(The following article by Kenneth R. Whittton appeared in the November, 1984, *New Beacon*)

When the post was abolished in 1969, there had been over a hundred Postmasters-General, and one of them was more remarkable than any of the others. Not, of course, the last of them all, the ill-starred John Stonehouse; not Sir Rowland Hill, nor Anthony Trollope, for neither was ever Postmaster-General; and not the only woman to hold office, Catherine, created Countess of Chesterfield, the widow of Daniel O'Neale, Postmaster-General from 1663 to 1664, who herself succeeded him in the post.

A clue is to be found in an enlightened appeal used by the London Association for the Blind a few years ago, which began: "Why did Gladstone's Postmaster-General need a little help?" For Gladstone's Postmaster-General, who died in office a hundred years ago this month, was Henry Fawcett, who was blind.

Fawcett was born in Salisbury on 26 August, 1833, graduated in mathematics at Trinity Hall, Cambridge, and became a

Fellow. He had some trouble with his sight, and was advised to rest his eyes. On 17 September, 1858, when he was twenty-five, he was out shooting and was instantly blinded by a stray shot (the accident happened because Fawcett's father fired carelessly as a result of incipient cataract).

Within ten minutes he had made up his mind that he would stick to his pursuits as much as possible. But there was a period of depression, which was brought to an end when he received a remarkably perceptive letter from his former mathematics tutor, William Hopkins—a letter very unlike the numerous exhortations to resignation to a ruined life. He returned to Trinity Hall and studied political economy, which had long interested him. He became a reckless ice skater (liking the first day of a thaw), and it was a long standing tradition in the Cambridge livery stables that he was charged extra because he took so much out of the horses he hired.

His attitude to blindness was that it was an inconvenience, which is much like Sir Arthur Pearson's advice to a Saint Dunstaner: "Call it a beastly nuisance,

and then carry on and forget about it." Life to Fawcett was fun. He had a strong sense of humor, practical jokes appealed to him, and he loved to gossip. A servant described him as "a happy noisy man." He never learned an embossed system of reading, but at the end of his life, he played cribbage, ecarte, and loo with marked cards, and he spoke in favor of one embossed type instead of the nine or ten then current.

In 1863 he published A Manual of Political Economy, and in the same year (still only thirty) he was elected professor of political economy at Cambridge. Since boyhood he had cherished an ambition to enter parliament, and although he recognized the difficulties created by his blindness and his lack of means and distinguished background, he would not be deflected by his friends' efforts to dissuade him. Just before he lost his sight, he wrote that he could "in the House of Commons exert an influence in removing the social evils in our country, and especially the paramount one—the mental degradation of millions." After three unsuccessful attempts he was elected for Brighton as a liberal in 1865 at the age of thirty-one. His friends wished to see him become a member of the Reform Club, but the committee was reluctant. Fawcett received the news without fuss, but Thackeray was outraged and soon secured his election. Fawcett was just as calm about his exclusion from the Cabinet when he became Postmaster-General. He wrote to his father and mother: "I shall be a Privy Councillor but shall not have a seat in the Cabinet. I believe there was some difficulty caused about my having to confide Cabinet secrets; this objection, I think, time will remove."

He was a disciple, although by no means a slavish one, of John Stuart Mill and was therefore a radical, but he was an Anti-Socialist—although he strongly supported the Co-operative Movement and believed that the state ought to encourage thrift and might legitimately take action towards improving the dwellings of the poor. Those who could help themselves should do so, and the state should do nothing to discourage self-help, but throughout his parliamentary career Fawcett was concerned to improve the lot of those least able to fight for themselves—slaves, children, agricultural laborers, and the people of India. Education was one of his foremost interests. He was a staunch free-trader. He was in favor of reform of the House of Lords and advocated proportional representation and votes for women, not because he thought they were the equals of men but because they were entitled to equal opportunities. His opposition to a measure to limit the working hours of women must have seemed uncaring even in 1874, but it was based, in part at least, on the belief that the measure was aimed less at safeguarding their health than at reducing their opportunities to work. Fawcett believed that women's lack of political influence was the reason for their unsatisfactory position in the labor market, and that he must speak for them. His view that married couples need not be separated in work houses if they were over sixty (although he could not wish the work houses to be converted into breeding establishments) probably tells us more about the age in which he lived than about him.

At some time Fawcett had proposed to Elizabeth Garrett, later Elizabeth

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Garrett Anderson. She consulted her elder sister Louisa, known has Louie, and then followed her advice to refuse him, but the decision cost her much heartache. Later, by chance, Fawcett met her younger sister Millicent. He proposed to her, and she accepted. Elizabeth was incredulous, and then appalled and angry. Millicent turned to Louie, who approved of the match and, not long before she succumbed to appendicitis, persuaded Elizabeth to accept Henry Fawcett as a brother. Henry and Millicent were married on 23 April, 1867—he was thirty-three and she nineteen. Millicent later became a leader of the Non-Militant Suffragettes. As Dame Millicent she survived until 1929, having seen the vote granted to women on the same terms as men in 1928 and the first woman cabinet minister appointed only weeks before her death. Their only child, Philippa, achieved great distinction as a mathematician, being placed 400 marks above the senior wrangler in the first part of the mathematical tripos at Cambridge in 1890.

Fawcett played a considerable part in getting the Reform Bill of 1867 passed, was very actively concerned in preserving the commons against enclosure, played a major part in saving Epping Forest for the nation, worked against measures that would have ruined the New Forest and took so much interest in the Indian people that he was known as the "Member for India." Although he could make no use of notes, Fawcett prepared his speeches very systematically, and they were remarkably fluent and impressive. On one occasion he made a speech on India that lasted nearly two hours and included many complicated statistics.

Fawcett lost his Brighton seat in 1874, but within a few months he was returned for Hackney. He was fearless in opposing policies of his own party of which he did not approve, and he was largely responsible for the fall of Gladstone's Ministry in 1873. Nevertheless, when Gladstone formed his administration in April 1880, he offered the Postmaster-Generalship to Fawcett. He was forty-six. Fawcett took no major part in blind welfare, but he was a member of the General Council of the then Royal Normal College for the Blind and naturally supported its objective of promoting the independence of blind people. He was in favor of a Royal Commission on the Blind, and one was appointed after his death. He was strongly opposed to segregating blind people in institutions, and believed that as far as possible they should act and be treated like seeing people. But he recognized that blind people need help, and was deeply grateful for the assistance he received.

Fawcett's period of office as Postmaster-General was by any standards a notable one. He introduced the parcel post, postal orders, and a postal savings facility using postage stamps. He made it possible for small sums to be invested in government securities, and increased the facilities for life insurance and annuities. He did a great deal of preparatory work for cheaper telegrams, which were introduced by his successor, and almost his last official act was to approve the terms of a license for the telephone companies. When he was appointed postmaster general, he made an agreement with Gladstone that he would be allowed to use freely the excess of net revenue

over the average of the three preceding years, and he improved the pay and prospects of some post office workers. He provided more employment opportunities for women, and appointed women medical officers in London, Liverpool, and Manchester. When postal concessions for Braille letters and books were being discussed early in the twentieth century, it was claimed that Fawcett had granted some when he was Postmaster-General, but C.K. Lysons, a very thorough researcher, can say no more than that "No trace of any concessions having been made by Fawcett could be discovered by post office officials, though there was a general impression that something of the kind was done." (Dr. Lysons was also unable to trace the origin of an amendment, introduced by the Chancellor of the Exchequer himself, to what became the Customs and Inland Revenue Act 1878, designed to excuse a blind person from having a license for a dog kept and used solely for his guidance. So it can be taken as unlikely that Fawcett had any part in achieving the provision.)

In 1882, Fawcett was elected a Fellow

of the Royal Society. He was well known in the country—featuring not infrequently in Punch—as well as being admired and popular, and when he was seriously ill with diphtheria and typhoid in 1882, great concern was shown among all classes of the population. It would have been surprising if it had been otherwise, for had not a cab driver steadfastly refused to take his fare, saying: "No, Mr. Fawcett, no, sir. You have done too much for the working man."? With the help of Elizabeth Garrett Anderson and other doctors he recovered, but in the autumn of 1884 he became ill in Cambridge and developed pneumonia. On November 6, Elizabeth was sent for and arrived with her own physician, Sir Andrew Clark, but they could do nothing. That night she wrote: "Our dearest Harry is gone."

He was fifty-one. Had he lived, might not that appeal have read: "Why did Gladstone's Secretary for India need a little help?" Or even, with Fawcett's phenomenal memory, perception, and reliance on his judgment: "Why did Gladstone's Chancellor of the Exchequer need a little help?"

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If you or a friend would like to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto National Federation of the Blind, 1800

Johnson Street, Baltimore, Maryland 21230, a District of Columbia nonprofit Corporation, the sum of \$ \_\_\_\_\_ (or "\_\_\_\_\_ percent of my net estate" or "The following stocks and bonds: \_\_\_\_\_") to be used for its worthy purposes on behalf of blind persons."

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## THOMAS ELMER MOON OF HISTORY AND ITS ECHOS IN THE PRESENT

by Charles S. Brown

(Note: Mr. Brown is a member of the National Board of the National Federation of the Blind and is President of the National Federation of the Blind of Virginia. This article was adapted from a speech given before the 1985 convention of the National Federation of the Blind of Virginia in Norfolk.)

In his 1973 banquet address to the National Federation of the Blind convention in New York City, Kenneth Jernigan discussed the truth about the role of blind people in history. The speech was entitled "Blindness: Is History Against Us."

Toward the beginning of his speech, Dr. Jernigan stated that the lesson people commonly derive from the standard treatment of the blind by most historians is that "the blind have always been dependent upon the wills and mercies of others. We have been the people things were done to—and, occasionally, the people things were done for—but never the people who did for themselves. In effect, according to this account, we have no history of our own—no record of active participation or adventure or accomplishment. . ."

"Nonsense," continued Dr. Jernigan. "That is not fact but fable. That is not truth but a lie. In reality the accomplishments of blind people through the centuries have been out of all pro-

portion to their numbers."

Dr. Jernigan then proceeded to detail the accomplishments of a number of prominent blind historical figures. It is important that we continuously remind ourselves of the true roles blind people have played in history. Otherwise, the myth of the blind as the people things were done to might start to creep back into our thinking and subtly influence the way we think and live today.

Thomas Elmer Moon was an engineer. For most of his life he was a sighted engineer, but his greatest accomplishments were realized in later life when he became a blind engineer.

A Philadelphia native, Mr. Moon studied engineering at Tufts University and the University of Pennsylvania. He never saw the need to get a degree. As he later said, he took what he wanted from these institutions.

Mr. Moon served in the army in World War I—entering as a private and rising to the rank of captain.

After the war he embarked on a distinguished career as an engineer and inventor, working for such corporations as General Electric and Western Electric. At the height of his career with Western Electric—in his mid-fifties—Mr. Moon went blind from glaucoma.

Like many people who become blind in later life, Mr. Moon took early retirement. In fact, he and his wife moved to

Florida, where he intended to live on his pension. But he did not stay retired for very long. Encouraged by his wife, Margarite, he was soon back at work making good money inventing. He invented a longer lasting soldering iron, which he sold to manufacturing concerns. This invention proved to be very profitable. However, Mr. Moon was anxious to make a more direct contribution to other people. His glaucoma had caused him to learn a good deal about the eye. He saw a need for vast improvements in the instruments used in eye surgery at that time—the late 1940's.

Surgical instruments then in use for corneal transplant operations were simply not precise enough. The circular knives—called trephines—used in such operations did not give the surgeons sufficient control to be sure that transplanted corneas fit precisely or that the trephine did not make too deep a cut into the eye.

In order to do the work necessary to develop better trephines and related surgical devices, Mr. Moon founded the Margarite Barr Moon Foundation in Winston-Salem, North Carolina, in the 1940's. He then went out and raised the needed money for the foundation. He carved the prototypes in wood, arranged for testing, procured the test animals—and, in short, did what was necessary to bring what was later to be called the "Moon Trephine" into being.

A primary feature of the new Moon Trephine was that the edge was ground sharp from the inside. Until that time trephine edges had been ground sharp from the outside so there was no assurance of the perfect disc-shaped surgical cut obtainable from the Moon Trephine.

The Moon Trephine also incorporated a shoulder to assure precise control of the depth of incisions. His device also used a better grade of metal than the previous instruments.

In addition to the trephine, Mr. Moon also developed a wide range of related surgical instruments, including a suction device to support the cornea during surgery.

In a very real sense, Mr. Moon was the father of modern cornea transplant surgery—by making what had been a very risky operation much safer and more routine.

In 1961 the American Society of Mechanical Engineers presented its highly prestigious Holly Medal to Mr. Moon in recognition of the development of his surgical instruments. At that occasion he told a reporter for the Philadelphia Bulletin that he did not think his blindness made his accomplishments any more remarkable than if achieved by a sighted person. He referred to such notions as "a lot of hoopla." He told the reporter: "I'm just a good engineer. Any other good engineer could have done what I did." Many thousands of sighted people can now be thankful that Thomas Elmer Moon was such a good engineer and did what he did for them.

Oddly enough, many of these same sighted people undoubtedly have negative attitudes about blindness as they consider themselves so fortunate to have their eyesight as a result of a successful corneal transplant. It might be interesting to know what their attitudes about blindness would be if they were to learn the historical truth about who actually made their eyesight possible for them.

As Federationists, we do know the

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truth about blindness and the truth about what blind people have accomplished. We often say "we know who we are," but we must continue to do everything we can to see to it that the public will no longer live in ignorance about us.

Finally, it is worth noting that Thomas Elmer Moon's story includes an echo in our own place and time. In 1966

Mr. Moon moved to Norfolk, Virginia, and lived for the remainder of his life with his daughter, Maggie Lowrance, and her family. Needless to say, Maggie Lowrance knows the truth about blindness. It is therefore no accident that, although sighted herself, Mrs. Lowrance is an active member of the Tidewater Chapter of the National Federation of the Blind of Virginia.

## NEW MEXICO GETS A COMMISSION FOR THE BLIND

by Fred Schroeder

In describing our movement, we have often said, "The future is ours." Through these words we have expressed our determination to hold fast to our goals and true to our convictions with the promise of shaping a future where the blind will be able to live lives of full equality as first-class citizens. February 18, 1986, represents a day of triumph for blind people throughout New Mexico. For on that day the legislature of the state of New Mexico created a commission for the blind to administer rehabilitation programs throughout the state. The new agency will be administered by a three-member board of commissioners. The commissioners will be appointed by the Governor and confirmed by the Senate to serve staggered terms of six years each. The new law requires that at least one of the commissioners be a blind person. The Commission will administer rehabilitation counseling and home teaching services, low vision

clinic, work activities and workshop, orientation center, and vending program.

A commission for the blind in New Mexico has been a dream of Federationists for many years. In 1971 a bill was introduced in the New Mexico legislature to move Services for the Blind from the Welfare Department and transfer it to the Division of Vocational Rehabilitation under the Department of Education. Federationists opposed the move, asking instead for the establishment of a commission for the blind. Although the effort to block the transfer was unsuccessful, Federationists kept up the push for a separate agency for the blind.

In 1975 the first commission for the blind bill was introduced. During the session the bill suffered a series of crippling amendments and was eventually vetoed by Governor Jerry Apodaca, who believed that large umbrella agencies increased efficiency in government.

In 1979 Federationists again turned to

the legislature for help. Once more our efforts met with resistance, and the commission for the blind bill went down in defeat. As time went by, our belief in the need for a separate agency for the blind did not wane but in fact grew stronger.

In 1985 Federationists from throughout New Mexico began contacting their legislators once again appealing for the establishment of an agency that could offer blind people the training and services necessary for real integration into society.

In 1985 the effectiveness of the existing agency had reached an all-time low. Responsiveness had been replaced by an emphasis on cost effectiveness. Clients were under an assembly line model of rehabilitation with no recognition of the need for development of positive attitudes toward blindness. As blind people, we understand that training without self-confidence represents only the shadow of integration and can never lead to full participation. Through the development of a positive attitude toward blindness, one that stresses an image of the blind as able to compete on terms of equality, the blind can realize the promise and not just the hope of first-class status.

During the 1985 session New Mexico legislators heard our concerns and joined with us in our efforts to establish a separate agency for the blind. The support was there, the top of the ladder just one rung away. The only obstacle was time. On the last day of the legislative session the commission for the blind bill was up for final passage. The morning's schedule of business was long, and as the minutes ticked by, hope slipped away as it

began to clear that the House would never get far enough through the agenda to consider the commission for the blind bill.

To come so close only to face disappointment is a devastating experience. Nevertheless, we of the Federation are not easily discouraged nor easily turned away. Our beliefs run deep and our convictions strong. Rather than give up in disappointment we redoubled our efforts and began preparing for the next legislative session.

In January, 1986, we were ready for action. We secured the support of the Governor and began talking with the legislature to stress the importance of a commission for the blind in our state. Since this session would only be thirty days long, we knew we would have to move fast, and move fast we did. On Tuesday evening, February 18, just a day and a half before the close of the session, we once again sat in the House gallery awaiting final passage of the commission for the blind bill, and this time we were not disappointed. Fifteen years had gone by since the days when we opposed the transfer of Services for the Blind to the Department of Education. A decade and a half of planning, a decade and a half of commitment, a decade and a half of struggle finally came together in the passage of a bill which means much more than an administrative reorganization of state government, much more than a reallocation of resources and programs.

To the blind the establishment of a commission for the blind represents a hope for the future and a hope of a future—a future where blind people can have jobs, raise families, and in every way be fully participating members of

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society. Our National President, Dr. Kenneth Jernigan, has told us that in our struggle we often lose skirmishes; we sometimes lose battles; but we never lose wars—for the war is never over until we prevail. Now for the first time, the blind of New Mexico will have a voice in shaping and guiding the programs and services established for our benefit. Rehabilitation services will now be administered by an agency which has as its sole responsibility the provision of programs for the blind. No longer will blind services be merely a small part of a giant state agency concerned with everything from the rehabilitation of other handicapped groups to the running of the state's public schools. In short, no longer will blind services simply be a minor concern of a large bureaucracy but instead will be the sole concern of a small state agency.

The establishment of a commission for the blind in New Mexico is a result of the long-term concerted efforts of the blind of the state. For years we have been making our voices heard in the legislature through letters, telephone calls, and through testimony at public hearings.

The job of educating the legislature represents a challenge and commitment difficult fully to appreciate. Throughout the most recent legislative session, Joe Cordova and Pauline Gomez worked

tirelessly meeting with legislators and discussing our concerns. Joe made countless trips to Santa Fe from Albuquerque to make sure that the commission for the blind bill did not get bogged down in the legislative process. At the drop of a hat and often with only a few hours notice Federationists from across the state rushed to Santa Fe—crowding hearing rooms to make sure that the legislature understood the importance of a commission for the blind to the blind of the state. We the blind want to be self-supporting. To accomplish this end, we must have good training to provide us the skills necessary for successful employment. The new Commission for the Blind promises to make this goal a reality.

On Wednesday, March 5, 1986, Governor Tony Anaya signed into law Senate Finance Substitute for SB-82, thereby bringing to pass a long awaited dream. We owe a debt of gratitude to Governor Anaya for placing the commission for the blind bill on his call and to Senator Manny Aragon for introducing the bill in the Senate. We also owe a debt of gratitude to Representative George Galanis for sponsoring the bill in the House and to the entire New Mexico legislature for bringing to pass this vitally important reform. We the blind have held true to our convictions and fast to our determination. The future is ours, and together we have made it all come true.

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## RECIPES

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### SINFUL CRAB CHOWDER

by Arthur Segal

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(Note: Arthur Segal is a member of the National Federation of the Blind of Maryland.)

Boil until tender, peel, and dice one medium potato. In a four-quart sauce pan saute one small finely chopped onion in a heaping tablespoon of butter for approximately three minutes. While sauteing, add one generous tablespoon of Hungarian paprika and a dash of white pepper. Add two cups of milk, two cups of heavy cream, and two tablespoons of quick cooking tapioca. Bring the mix-

ture to a boil, then reduce heat, stirring constantly until the tapioca is dissolving and the mixture is thick and smooth. Add the boiled potato and one pound of flaked crab meat. Stir eight to ten minutes. After approximately four minutes, season with a generous dash of Tabasco sauce. Do not boil the chowder. When the chowder is thoroughly smooth and heated, remove from heat and blend in two ounces of sherry, Madeira, or cognac. Serve immediately. You may serve this soup with additional sherry if you wish.

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## SWEET POTATO CASSEROLE

by Martha Kelly

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(Note: Martha Kelly is a member of the National Federation of the Blind of Kansas.)

### MIX:

3 cups mashed sweet potatoes  
1/2 cup butter  
2 eggs

1 tablespoon cinnamon  
1-1/2 cups granulated sugar  
1 teaspoon vanilla

Pour in buttered casserole dish. Add topping made of: 1 tablespoon of flour, 1 cup of brown sugar, 1 cup of pecans (chopped), and 1/4 cup of butter. Bake 35 minutes in 325 degree oven.

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## CHOCOLATE MALT CAKE

by Peggy Hignell

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(Note: Peggy Hignell is a member of the Mid-Hudson Chapter of the National Federation of the Blind of New York.)

2-1/4 cups flour  
3/4 cup instant malted milk powder  
2 teaspoons baking powder  
1/2 teaspoon baking soda  
2/3 cup shortening  
1-1/2 cups sugar  
2 eggs  
1 teaspoon vanilla

1-1/2 cups buttermilk  
4 squares melted chocolate

Preheat oven to 375 degrees. Sift first four ingredients. Cream shortening and sugar. Add eggs one at a time. Beat well. Beat in vanilla. Add flour mixture alternately with buttermilk. Beat well. Add chocolate. Beat well. Pour into 2 greased and floured cake pans. Bake 35 minutes.

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**CHOCOLATE GLAZE:**

1/2 cup chocolate chips  
1/4 cup boiling water  
1 cup sifted confectioner's sugar

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Combine chips and water. Stir well. Gradually add sugar. Refrigerate 20 minutes. Pour chocolate glaze over top of cooled cake. Let glaze stand at room temperature 15 minutes before serving.

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**MONITOR MINIATURES \* \* \* \* \*****\*\*Active New Chapter:**

In October of 1985 the Greater Flint Chapter of the National Federation of the Blind of Michigan came into being. Since that time a great deal of constructive activity has occurred. Joan Taeckens, Chapter President, is the focus and the spearhead of the new chapter's vitality, but there is every indication that a great many blind and sighted persons in the area are pooling their interest and know-how to build a strong local affiliate. The group has participated in helping develop "The Talking Newspaper," which is a unique concept involving dialing a number on the phone to have any part of the newspaper read. The chapter was represented at the March on Washington in February and has received sustained favorable publicity in the local press.

**\*\*National Radio Club:**

We have been asked to carry the following announcement:

The DX Audio Service is the National Radio Club's books for the blind version of DX News, the magazine of the National Radio Club. The National Radio Club is the world's largest and oldest All Me-

dium Wave DX Club.

The DX Audio Service features information on station call letter changes, new stations, changes in stations, formats, networks, DX tips, and news about DX'ing.

The DX Audio Service is available by subscription only. The cost for a one year subscription is \$25 if the member keeps all the tapes sent to them or \$12 if the member returns the tape each month for the next edition. Back issues are also available for \$3 to members, \$5 to nonmembers.

For information on the DX Audio Service you can write to Fred Vobbe, 706 MacKenzie Avenue, Lima, Ohio 45805-1835. For a sample copy of the DX Audio Service send \$3 to the National Radio Club, Post Office Box 24, Cambridge, Wisconsin 53523-0024.

**\*\*Diseases of the Macula:**

The National Association for Visually Handicapped, 22 West 21st Street, New York, New York 10010, 212-889-3141, announces the availability of its publication "Diseases of the Macula." Produced in 18-point type, the first copy of the booklet is free upon request, and each copy thereafter costs \$1.00.

**\*\*Surgery:**

Ruth Whelan, President of the National Federation of the Blind of Delaware, has undergone foot surgery. At the time this is being written, she is recovering nicely at Kent General Hospital in Dover, Delaware. As Federationists would expect, Ruth is continuing her Federation activities from her hospital bed. By the time this reaches you, we hope that she will be fully recovered.

**\*\*Music Lending Library:**

We have been asked to carry the following announcement:

VOICES announces a new stereo music lending library for the blind and physically handicapped. Annotated music programs are recorded on C-60 and C-90 cassette tapes at 1-7/8 ips. Audio programs are suitable for all age groups and interest areas. (No Braille music available.) Music catalogs are not available at this time, but lending library patrons indicate their interest areas on an extensive request form. Library loans are issued from over 4,000 master tapes. Free pre-addressed mailing cartons are provided. Postage is via Free Matter for the Blind. Stereo music lending library services are now available by a nominal membership fee of \$12 per year. A membership fee entitles a patron to borrow two stereo tapes at a time. When one tape is returned, another loan is immediately issued by mail. Eligibility criteria are a certifiable print-handicapped status, an active talking book affiliation, or use of a radio reading service as a consumer. VOICES also loans a mini carousel music lending library consisting of 48 stereo tapes in a compact carrying case on a rental fee basis of \$150 for six months. For more information on music library

services, contact VOICES at P.O. Box 837, Bethel, Maine 04217-0837."

**\*\*Blinded American Veterans Foundation:**

As recently reported in the DAV (Disabled American Veterans) Magazine, "Three Vietnam veterans who think more can be done to help their fellow visually impaired veterans have launched a project to see that help is available.

"According to John Fales, president of the Blinded American Veterans Foundation and a Marine Corps combat veteran who was blinded in Vietnam, the foundation was started 'to insure veterans with sensory disabilities such as visual impairment receive maximum opportunity for rehabilitation, training, and employment, thereby reducing the need for government support.'

"Fales, a public affairs officer for ACTION, the national volunteer agency, joined with two VA employees in starting the project. Other directors are Dennis Wyant, director of the VA's Vocational Rehabilitation program, and Don Garner, the VA's director for Blind Rehabilitation.

"Fales said the foundation is not intended as a substitute for already established veterans' service organizations, but as an adjunct to them. According to the foundation's articles of incorporation, its other purposes include: promote education for the general public, federal agencies, the U.S. Congress, and state and local governments, regarding the difficulties faced by veterans with sensory disabilities; support medical research on sensory disabilities conducted by the proper agencies and/or, when possible, by this foundation; promote research in the area of sensory disabilities pros-

therapies and sensory aids; research issues of importance to veterans with sensory disabilities; support the establishment of a Veterans Sensory Disabilities Service Organization; and develop and maintain a list of volunteers interested in assisting veterans with communication disabilities.

"If you'd like to know more information about the Blinded American Veterans Foundation, you may write: Blinded American Veterans Foundation, P.O. Box 65900, Washington, D.C. 20035-5900."

**\*\*Multistate Center Closes:**

For a number of years the National Library Service for the Blind and Physically Handicapped has operated four multistate centers as backup for the regular libraries. These centers have been located in Salt Lake City, Utah; Jacksonville, Florida; Cincinnati, Ohio; and Philadelphia, Pennsylvania. The centers are repositories of extra Braille, cassette, and talking book records, making these books available to borrowers upon request from regional libraries. In the April 4, 1986, Network Bulletin NLS says:

"Existing and anticipated funding shortages have caused the Library of Congress to reduce the number of multi-state centers by one this year. The Multistate Center for the South is being closed at the end of the current contract period, April 30, 1986. The Multistate Center for the Midlands (Cincinnati) will begin providing services to southern libraries, effective May 1, 1986, including all basic services as outlined in the multistate center contract specifications. The name of the MSCM is being changed to Multistate Center for the Midlands and South

(MSCM/S)."

**\*\*Spelling Bee:**

A 12-year-old blind girl from Fullerton, Nebraska, properly spelled "anachronous" and then "chalkography" to win the Midwest Spelling Bee Saturday, April 12, 1986, and earn a trip to the national contest May 26-31. Terra Syslo received new life in the contest when, after she had misspelled the word "demi-glace," Shelly Filips also misspelled it. Two rounds later Shelly stumbled on the word anachronous, which Terra knew. Terra then properly spelled chalkography to win the title. In addition to her trip to the national contest in Washington, D.C., where she will represent Nebraska and western Iowa, Terra also received a \$150 check and a 4-inch black and white television in the contest sponsored by the Omaha World-Herald.

**\*\*Hand-Transcribed Braille:**

Recently Frank Kurt Cylke, head of the National Library Service for the Blind and Physically Handicapped, sent a letter to volunteer Braillists. It said in part:

**"Dear Volunteer:**

"Due to the impact of the Gramm-Rudman-Hollings Act on the National Library Service for the Blind and Physically Handicapped budget, we must eliminate the hand-transcribed Braille book program, effective immediately.

"We are grateful for all your efforts over the years transcribing, proofreading, and binding Braille books for the patrons of the network of cooperating libraries of the National Library Service....

"When the budget improves we will

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resume producing handcopy books... It is our hope that you will be able to assist at that time. At this time it is projected that our financial position may be normalized in Fiscal Year 1992.

"With appreciation for your tremendous effort, I remain—

Sincerely yours,  
Frank Kurt Cylke, Director  
National Library Service for the  
Blind and Physically Handicapped"

**\*\*Honored and Elected:**

Adrienne Asch, a member of the National Federation of the Blind of New York, was recently elected to membership on the board of directors of the National Abortion Rights Action League. In a press release the organization said: "Adrienne Asch, an activist for women's and disability rights of New York, New York, was sworn in as a member of the NARAL Board of Directors on March 22, 1986. Ms. Asch was among ten members elected nationally to serve on NARAL's 30-member Board. The newly elected board members will serve a two-year term and attend quarterly board meetings held in Washington, D.C."

**\*\*Active:**

Federationist Dennis Polselli, a member of the administrative staff of Framingham State College in Massachusetts, writes:

"I have been nominated to be the editor of the newsletter for the Boston College Housing Association. This is a consortium of all housing officers of the colleges and universities in the Greater Boston area. I am also being considered by students to be their Student Government Advisor next year, and I

am being considered by my peers to serve on the union's grievance committee for the Framingham State College Chapter."

**\*\*Who's Who:**

Georgia Myers writes:

The Greater Cumberland Chapter of the National Federation of the Blind of Maryland is proud to announce that Ronald Burns, President of the Chapter, was nominated by Allegany Community College for inclusion in the 1986 edition of Who's Who Among Students in American Junior Colleges. Selections are based on decidedly above average academic standing, community service, leadership ability, and potential for continued success.

**\*\*The Ways of NAC:**

On Friday, April 18, 1986, the following item received wide coverage in the nation's press:

By Scripps Howard News Service

Pittsburgh—A blind man has complained that he's been told his guide dog Bandid can't accompany him to rehabilitation classes offered by the Greater Pittsburgh Guild for the Blind.

Gary Cook, 36, this week filed a complaint with the Pennsylvania Human Relations Commission charging the guild had violated his rights by refusing to allow him to bring Bandid, a six-year-old Labrador retriever, to class.

State law stipulates that guide dogs must be permitted in restaurants, stores, health care facilities, housing accommodations, and other public places.

"A dog is not part of our training program," L. Leon Reid, guild executive director, wrote Cook.

"We say you should be able to get

around, totally blind, without any help," said A. D. Fulton, president of the guild's board of directors. He compared the use of a guide dog to a crutch.

Cook said Bandid is no more of a crutch than the canes the blind are taught to use in guild classes.

"The choice should be up to the blind person," he said. "I have made the choice to use a dog guide, and the guild should respect my choice by allowing me to use Bandid during rehabilitation."

"We expect the occasional restaurant owner, doctor, or landlord who doesn't know the law to refuse admittance to a dog guide," said Catherine McManus, Vice President of the Greater Pittsburgh Chapter of the National Federation of the Blind. "But we expected better treatment at a facility for the blind."

**\*\*Capitulates:**

Under date of April 27, 1986, Dick Porter (President of the National Federation of the Blind of West Virginia) writes:

"The West Virginia Division of Vocational Rehabilitation has come up with a tentative plan to consolidate services for the deaf and services for the blind under one single chief of services. During the past week we have flooded both WVDVR Director Earl Wolfe's office and the Governor's office with protest letters. Yesterday I met with the President of the National Association of the Deaf (NAD) and the President of the West Virginia Association of the Deaf (WVAD), and we issued a joint press release. The release was carried on the six o'clock news on Channel 8 here in Charleston, and it went out on both wire services yesterday afternoon. Because of our protest letters, Mr. Wolfe was forced to capitulate. By the way, we got a commitment from the presidents of both the NAD and the WVAD that they would support our single agency; whereas, before we had been getting some opposition from the deaf. Of course, that opposition came from some DVR employees in the deaf unit."

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